

WAR CRIMES WASHINGTON

16 FEBRUARY 1948

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Monday, 16 February 1948

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain and  
HONORABLE JUSTICE JARANILLA, Member from the Republic  
of the Philippines, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present  
except UMEZU who is represented by counsel. The Sugamo  
prison surgeon certifies he is ill and unable to attend  
the trial today. The certificate will be recorded and  
filed.

Mr. Tavenner.

MR. TAVENNER: If it please the Tribunal, I  
will begin with paragraph F-129. I will resume at that  
point.

F-129. Upon the conclusion of this pact Japan  
terminated negotiations and advised the German ambas-  
sador that the German-Soviet Pact was in violation of  
the secret agreement attached to the Anti-Comintern  
Pact. OSHIMA was directed to file a protest to  
Germany's action, but out of consideration for Japanese-  
German relations and collaboration, he disobeyed his  
instructions and postponed delivery until September 18,  
1939, when the matter was handled in a surreptitious  
and unofficial manner. Japan's objective in the  
negotiations had been to strengthen the Anti-Comintern  
Pact against the Soviet Union and this objective was  
(F-129. a. Ex. 486L, T. 6122-3.  
b. Ex. 506, T. 6124-5.)

1 deemed to have been seriously jeopardized by Germany's  
2 non-aggression pact with the Soviet. Because of its  
3 failure to conclude the alliance, the HIRANUMA Cabinet  
4 resigned on August 30, 1939.<sup>c.</sup>

5 F-130. The course of the negotiations shows  
6 clearly that the failure of Japan to conclude a military  
7 alliance with Germany and Italy was solely a matter of  
8 timing. Japan's primary aim had been to strengthen the  
9 alliance of the Anti-Comintern Pact against the Soviet  
10 Union, but Japan had not been averse to entering a  
11 military alliance against the Western Powers provided  
12 she could defer entering into war against them until  
13 she was prepared to do so. This is strongly emphasized  
14 by the fact that when she felt herself to be so pre-  
15 pared, she enthusiastically entered into a military  
16 alliance directed solely against the western powers.

17 F-131. Notwithstanding the temporary setback  
18 to the conclusion of a tripartite military alliance  
19 brought about by the German-Soviet Pact of August 23,  
20 1939, the expediency of which became apparent upon the  
21 German invasion of Poland on September 1, 1939, efforts  
22 were continued by the conspirators in Japan and Germany  
23 to develop closer Japanese-German relations for the  
24 benefit of their common aggressive ends. In early  
25 (F-129 c Ex. 2375A, T. 24290-1.)



1 September 1939, Ribbentrop assured OSHIMA that Japan's  
 2 fate was still linked with Germany's fate and that  
 3 the non-aggression pact with the Soviet was in the  
 4 interest of Japan as well as of Germany. He repre-  
 5 sented that Germany was ready and able to mediate for  
 6 a settlement between Japan and the Soviet Union, upon  
 7 the accomplishment of which Japan would be free to ex-  
 8 tend her power in East Asia toward the south, where her  
 9 vital interests lay.<sup>a.</sup>

10 F-132. Those of the conspirators who were in  
 11 favor of an all-out alliance determined to continue  
 12 their efforts to conclude such an alliance. Ribbentrop  
 13 considered it of great importance to the policy of col-  
 14 laboration that OSHIMA remain as ambassador, as he  
 15 enjoyed the complete confidence of Hitler and the German  
 16 army,<sup>a.</sup> and took steps with the Foreign Office in Tokyo  
 17 to have OSHIMA remain as ambassador.<sup>b.</sup> When, notwith-  
 18 standing this, OSHIMA resigned, Ribbentrop advised Ott  
 19 in Tokyo to support OSHIMA who after his return would  
 20 work for German-Japanese friendship, and requested that  
 21 OSHIMA be allowed to transmit through the German Embassy  
 22 in German code without changes telegrams to Ribbentrop  
 23 and to send letters addressed to Ribbentrop unopened.<sup>c.</sup>

24 (F-131. a. Ex. 507, T. 6127-29.)

25 (F-132. a. Ex. 507, T. 6129-30.

b. Ex. 498, T. 6130.

c. Ex. 508, T. 6131.)



1 Similarly, SHIRATORI returned to Tokyo to work for the  
2 conclusion of the alliance. On September 2, 1939, he  
3 told the German Ambassador to Italy that with the new  
4 Japanese Cabinet there was a well-founded chance for  
5 successful continuation of the stalled negotiations  
6 for further rapprochement with the Axis powers, and  
7 for the purpose of being able to work more effectively  
8 than was possible from Rome, he was going to Tokyo.<sup>d.</sup>  
9 In another conference in Rome he had emphasized that  
10 he was one of Germany's friends who was laboring to  
11 counteract the effect of the German-Soviet Pact on  
12 Japanese German relations, and had disclosed that he  
13 had contacted OSHIMA in Berlin and tried to stop  
14 delivery of the Japanese protest.<sup>e.</sup> Likewise, ITAGAKI,  
15 who as War Minister in the KONOYE and HIRANUMA Cabinets  
16 had worked diligently for conclusion of the alliance,  
17 on September 5, 1939, at a reception attended by him-  
18 self and HATA, pointed out to the German Military and  
19 Air attaches his most sincere efforts on behalf of a  
20 close German-Japanese connection and emphasized that  
21 his successor, War Minister HATA, shared his views com-  
22 pletely.<sup>f.</sup> On February 23, 1940, Stahmer and Ott  
23 reported that OSHIMA, SHIRATORI and others remained in  
24 (F-132. d. Ex. 2232, T. 16003-4.  
25 c. Ex. 2232, T. 16006.  
f. Ex. 2198, T. 15744-5.)

1 an unchanged friendly attitude and were ready to give  
2 every support and that means were being taken to  
3 strengthen pro-German influence in the Foreign Ministry  
4 and the army.  
5

6 F-133. Not only did the German and Japanese  
7 conspirators work to draw Germany and Japan closer to-  
8 gether, but also at the same time they strove to weaken  
9 the relations between Japan and Britain and the United  
10 States. Advantage was taken of the apparent stiffen-  
11 ing of political attitude between Japan and England and  
12 America arising out of the protests against the Japanese  
13 sponsored and established Wang Ching-wei government  
14 at Nanking. Members of the Diet pressed the Foreign  
15 Minister to strengthen relations with Germany and Italy,  
16 and the army spokesman in the Diet and War Minister  
17 HATA declared that Japan's progress in China could not  
18 be stopped by the obsolete Nine Power Treaty. When  
19 in May 1940 there were indications that the YONAI govern-  
20 ment was seeking an understanding with England and  
21 America, the group in Japan friendly to Germany desired  
22 that a new government be formed under KONOYE with a  
23 foreign policy envisioning that the tension with the  
24 Western Powers would increase or at least remain

25 (F-132. g. Ex. 511, T. 6140-2.)  
(F-133. g. Ex. 276A, T. 3701;  
Ex. 514, T. 6149,)

b.  
constant. The German Embassy in Tokyo continued its  
1 efforts to stir up Japanese feeling against America  
2 by influencing the press and political leaders, and  
3 OSHIMA and SHIRATORI worked in confidential coopera-  
4 tion with the German Embassy in this program. c.

5 F-134. To bring Japan more closely within the  
6 German orbit, pressure was applied and inducements  
7 offered to Japan. On May 22, 1940, Germany advised  
8 Japan that she was disinterested in the Netherlands  
9 East Indies, and this declaration was considered by  
10 Japan to give Japan a "carte blanche" and a pledge of  
11 support for the future. c. On June 19, 1940, two days  
12 after France requested an armistice from Germany, the  
13 Japanese Foreign Ministry pointed out to Germany Japan's  
14 special interest in the fate of French Indo-China,  
15 stressed that Japan had rendered Germany essential  
16 service in the European War by tying down American  
17 forces in the Pacific and suggested a German declara-  
18 tion by which Japan would receive a free hand in Indo-  
19 China. In transmitting this statement, Ott suggested  
20 that a reply be given calculated to embarrass the  
21 YONAI government and influence its replacement by a  
22 Cabinet which would be closer to Germany. b. Such a  
23

24 (F-133. b. Ex. 515, T. 6150-1.

c. Ex. 516, T. 6152.)

25 (F-134. a. Ex. 517, T. 6157; Ex. 518, T. 6159-60; Ex. 519,  
b. Ex. 520, T. 6162-5.) T. 6161-2.



1 reply was given the following week. On June 24, 1940,  
2 in reply to KOISO's inquiry as to the German attitude  
3 toward military activity of Japan in Indo-China and in  
4 parts of the Netherlands East Indies, Ott stated that  
5 Germany had already expressed her declaration that  
6 she was not interested in the question of the East  
7 Indies, and added that Germany would probably raise  
8 no objections to Japanese action in Indo-China, provided  
9 Japan would obligate herself to tie down America in  
10 the Pacific, perhaps by a promise to attack the Philip-  
11 pines and Hawaii in the event of America's entry into  
12 the war against Germany.<sup>c.</sup> KOISO's reply disclosed his  
13 full cognizance of the import of Ott's statement. In  
14 reply, he asserted that the realization of Japan's  
15 colonial wishes in Indo-China and the East Indies  
16 would make Japan economically independent of America  
17 and would offer to the expected KONOYE Government a  
18 promising standpoint for a settlement of the war with  
19 China.<sup>d.</sup> Such a commitment was not to be expected from  
20 the YONAI government, and it was to be expected from a  
21 KONOYE government which would be favorable to the army  
22 and to Germany.

24 F-135. In this way, the situation had so  
25 developed that the time was again ripe for considering

(F-134. c. Ex. 523, T. 6176.  
d. Ex. 523, T. 6176.)



1 a tripartite military alliance, without the aid of  
2 which Japan dared not risk the fate of her empire by  
3 large scale military aggression in the areas south of  
4 China and in the South Seas. The conspirators began  
5 to lay the groundwork for such an alliance. On June  
6 19, 1940, KURUSU, Japanese Ambassador to Germany, re-  
7 opened negotiations for the alliance and pointed out  
8 to Germany that if in the field of development of  
9 heavy industries a closer cooperation between Japan and  
10 Germany were possible, Japan would gain freedom of  
11 action toward the United States. Following this  
12 meeting, a conference was held on July 8, 1940, between  
13 Ambassadors SATO and KURUSU and Ribbentrop and Stahmer.  
14 The conferees discussed matters of great significance  
15 revealing to Germany the true scope of Japan's aggres-  
16 sive intentions. SATO suggested close cooperation  
17 between Germany's New Order in Europe and Japan's  
18 efforts to construct a New Order in the Far East and  
19 South Seas. He pointed out that Japan by the war in  
20 China had facilitated Germany's task by drawing the  
21 attention of England, France and America to herself  
22 and by tying up the American fleet in the Pacific.  
23 Japan was putting forward strong efforts to finish the  
24 China war in order to have free hands. SATO admitted  
25 (F-135. a. Ex. 522, T. 6170-1.)

1 to the German conferees the existence of the contin-  
2 uous conspiracy by pointing out that since the out-  
3 break of the Manchurian conflict, Japan had been try-  
4 ing to orient her policy in a set direction. However,  
5 time and again Japan had been forced to moderate this  
6 new orientation somewhat because of the obstinacy of  
7 the Washington regime in its adherence to the Nine Power  
8 Pact.  
9 b.

10 F-136. While KURUSU and SATO were reopening  
11 negotiations for a military alliance, a draft of such  
12 an alliance was being considered in Japan. On July 12,  
13 1940, there was held a joint conference of Japanese  
14 army, navy and Foreign Office officials to intensify  
15 efforts to procure such a pact. There was presented  
16 to the conference for consideration a draft of a pro-  
17 posed agreement between Japan and Germany, the declared  
18 object of which was to facilitate the attainment of  
19 the Imperial aim quickly, to develop an intimate co-  
20 operative relation between Japan, which was striving  
21 to establish a New Order in East Asia including the  
22 South Seas, and Germany and Italy, which were fighting  
23 for the New Order in Europe, and to strengthen Japan's  
24 future international position after the European war.  
25 The proposed draft provided that Germany should recognize  
(F-135. b. Ex. 524, T. 6179-84.)

1 that Indo-China, the East Indies and other South Sea  
2 Islands were within the Japanese sphere, should support  
3 Japan's political leadership, should give adequate  
4 political support to Japan in order to settle the Chinese  
5 conflict, and should give favorable consideration to  
6 Japan's trade opportunities in Europe and Africa. Japan,  
7 on the other hand, would support and approve the European  
8 New Order under German leadership, would check Britain  
9 as much as possible in East Asia in order to facilitate  
10 Britain's surrender, and would supply Germany with raw  
11 materials from China and the South Seas. The proposed  
12 agreement also provided for cooperation to maintain peace  
13 with the Soviet Union and to prevent activity by the  
14 United States outside the American continents. If the  
15 United States exerted political or economic pressure  
16 on either nation, both would adopt a policy to check the  
17 United States. In addition to recognizing Italy's new  
18 order it provided for concert of action by Japan and  
19 Germany in Central and South America.<sup>c.</sup> The matter was  
20 further discussed at a continued meeting on July 16,  
21 1940, held to obtain the opinion of the army and navy  
22 and to adopt a unified policy.<sup>b.</sup>

23 F-137. However, before the negotiations could  
24 (F-136. a. Ex. 527, T. 6191-6206.  
25 b. Ex. 528, T. 6214-30.)



be carried out as planned, it was necessary to replace  
 1 the YONAI Cabinet with the Second KONOYE Cabinet --  
 2 likewise as planned. It has already been noted that  
 3 as early as May both the German and Japanese conspir-  
 4 ators had been working toward the replacement of the  
 5 YONAI Cabinet with a KONOYE Cabinet. To strengthen  
 6 the cabinet's position, Foreign Minister ARITA at the  
 7 end of June had planned to announce a more active  
 8 foreign policy stressing that the government had never  
 9 deviated from the Axis policy, had had full sympathy  
 10 for Germany's new order in Europe and was still deter-  
 11 mined to consolidate Axis-Japanese friendship.<sup>c.</sup> How-  
 12 ever, the army, realizing that such a statement of  
 13 friendship with the Axis would take the wind out of the  
 14 sails of the opposition which was close to the Axis  
 15 (and thus prevent the opposition from attaining its  
 16 military alliance), protested against the proposed  
 17 declaration as incompatible with the policies hither-  
 18 to followed by the YONAI Cabinet.<sup>b.</sup> As a result, on  
 19 June 29, 1940, ARITA made a radio address in which he  
 20 sponsored the development by pacific means of a co-  
 21 prosperity sphere in East Asia,<sup>c.</sup> and also disclosed<sup>d.</sup>  
 22 the army's protest to his proposed statement. It  
 23 (F-137. a. Ex. 530, T. 6238-9; Ex. 531, T. 6239-40.  
 24 b. Ex. 531, T. 6239.  
 25 c. Ex. 529, T. 6233-7.  
 d. Ex. 531, T. 6239-40.)



became quite evident that the proposed ARITA policy of friendship for the Axis, deleted on army insistence, did not include a military alliance with Germany and Italy of the type desired by both the German and Japanese conspirators, when on July 13, 1940, after receiving from Ambassador SATO a report of the July 8th Conference of SATO and KURUSU with Ribbentrop and Stahmer, ARITA asked certain pointed questions showing deep distrust of Germany and her motives in connection with the proposed military alliance. He asked whether Germany did not desire to utilize Japan by having her participate in the European war, whether Germany had not begun to hope for German domination of French and Dutch colonies in East Asia, whether Ribbentrop had demanded Japan's participation in the war in connection with negotiations relative to the East Indies and Indo-China, and whether SATO had told Ribbentrop that a Japan-United States war would develop into a German-United States war.

F-138. Clearly, the suspicious attitude evinced by ARITA made it certain that the desired military alliance would not be concluded by the YONAI Cabinet. As early as July 8, 1940, this was recognized when Vice-Minister of War ANAMI had pointed out to KIDO (F-137. e. Ex. 525, T. 6186-8.)

1 that the YONAI Cabinet was not suitable for negoti-  
2 ating with Germany and Italy and might cause a fatal  
3 delay and had stated that the army would support the  
4 KONOYE candidacy. Accordingly, on July 16, 1940,  
5 War Minister HATA resigned.<sup>b.</sup> It is not necessary to  
6 consider at this time the exact role played by HATA in  
7 submitting his resignation, since that will be fully  
8 considered in the discussion of his individual liability.  
9 For present purposes, it is sufficient to note that  
10 he did resign. As a result of HATA's resignation and  
11 the reluctance of the Three Military Chiefs, of which he  
12 was one, to recommend a successor under the circum-  
13 stances, the YONAI Cabinet resigned en bloc on the same  
14 day.<sup>c.</sup> On July 16, 1940, KONOYE was recommended for  
15 Premier and by the 22nd he had formed his cabinet.<sup>d.</sup>

23 (F-138. a. Ex. 532, T. 6243.  
24 b. Ex. 532, T. 6244.  
c. Ex. 532, T. 6246-8.  
25 d. Ex. 532, T. 6253-6; Ex. 102, p. 1.)

F-139. The new Cabinet chosen by KONOYE

1 showed clearly that it would soon bring about a mili-  
 2 tary alliance with Germany and Italy. MATSUOKA be-  
 3 came Foreign and Overseas Minister and Vice President  
 4 of the China Affairs Board.<sup>a.</sup> Even before the new  
 5 cabinet took office, MATSUOKA advised Ott confiden-  
 6 tially that he had accepted the position of Foreign  
 7 Minister and requested friendly cooperation from Ger-  
 8 many.<sup>b.</sup> SHIRATORI declined appointment as Vice-Foreign  
 9 Minister, but let it be known to the Germans that he  
 10 was being considered for appointment as permanent ad-  
 11 visor to the Foreign Minister, in which capacity he  
 12 expected to exercise a far-reaching influence in the  
 13 new government.<sup>c.</sup> OKASHI, former Manchurian Vice-  
 14 Foreign Minister and a convinced adherent of the Ger-  
 15 man course in foreign policy, was appointed Vice-Foreign  
 16 Minister.<sup>d.</sup> On the day of KONOYE's appointment, Ott  
 17 cabled to the German General Staff that there would be  
 18 a speedy Japanese transition to a more active anti-  
 19 English policy.<sup>e.</sup> The press, in approving MATSUOKA's  
 20 appointment, announced that a new orientation of Japanese  
 21 foreign policy might be expected and OSHIMA and SHIRA-  
 22 TORI expressed the same views in press interviews.<sup>f.</sup>

24 (F-139 a. Ex. 116, T. 639 d. Ex. 538, T. 6265  
 25 b. Ex. 535, T. 6261 e. Ex. 533, T. 6257-8  
 c. Ex. 538, T. 6265 f. Ex. 536, T. 6262.)



Prior to the completion of the cabinet on July 22,

1 1940, Premier KONOYE, Foreign Minister MATSUOKA, War  
2 Minister TOJO and Navy Minister YOSHIDA met and drew  
3 up an authoritative foreign policy for the cabinet,  
4 including therein rapprochement with the Axis.<sup>g.</sup>

5 F-140. Once formed, the new KONOYE Cabinet  
6 adopted rapprochement with the Axis as part of its  
7 basic national policy. On July 26, 1940, the new Cab-  
8 inet formulated its basic national policy. It stated  
9 that its fundamental aim was to establish world peace by  
10 first constructing a New Order of Greater East Asia  
11 built upon the firm solidarity of Japan, Manchukuo and  
12 China with Japan as the center. Japan would march for-  
13 ward to the realization of this policy by mobilizing  
14 total national strength. Armaments were to be in-  
15 creased to insure the execution of national policy.  
16 Although it was asserted that the fundamental aim of  
17 Japan's foreign policy was confined for the time being  
18 to the construction of the New Order, a long range view  
19 was to be taken of world changed with the idea of adopt-  
20 ing constructive and elastic measures for the advance-  
21 ment of Japan's national fortunes.<sup>a.</sup> This decision on  
22 national policy was shortly followed on July 27, 1940,  
23 (F-139 g. Ex. 537, T. 6262-3)  
24  
25 (F-140 a. Ex. 541, T. 6271-6)



1 by the decision of the Liaison Conference to foster  
2 a strong political tie with Germany and Italy and to  
3 take active steps to adjust diplomacy toward the Soviet  
4 Union, while maintaining a firm front toward the

5 United States. <sup>b.</sup> This expression of national policy  
6 was the subject of a Foreign Office Announcement on  
7 August 1, 1940. In this MATSUOKA stated that in con-  
8 cert with those friendly powers which were prepared to  
9 cooperate with Japan, Japan would strive with courage  
10 and determination for the fulfillment of the ideal and  
11 the heaven-ordained mission of Japan. <sup>c.</sup>

12 F-141. The Cabinet by its actions, in addi-  
13 tion to its decisions on national policy, showed clear-  
14 ly that it was strengthening Japan's foreign policy  
15 with regard to the Axis coalition, TOJO entered upon  
16 a program to promote anti-British feeling, encouraged  
17 action against British possessions in East Asia and  
18 restrained pro-British activity of the court and econ-  
19 omic circles. <sup>a.</sup> On August 23, 1940, MATSUOKA announced  
20 the recall of numerous ambassadors and other diplomatic  
21 officials and declared that this action was necessary  
22 in order to secure the new foreign policy introduced by  
23 him and to coordinate the Japanese foreign service with  
24

25 (F-140 b. Ex. 1310, T. 11795

c. Ex. 1297, T. 11714-7)

(F-141 a. Ex. 546, T. 6293)

b.  
1 the new Japanese conditions.

2 F-142. On August 1, 1940, the negotiations  
3 were again reopened both in Japan and in Germany. On  
4 that day, KURUSU met with Weizsacker. He sought ex-  
5 pression of German views as to how Japan should coop-  
6 erate in the promotion of Japanese-German friendship,  
7 particularly if and at what time Germany wished "to  
8 see the Japanese weight thrown on the scale of the  
9 present conflict." He pointed out that even if  
10 Japan did not intervene in the war at that time, her  
11 fleet would by all means have great potentialities in  
12 the future. a. He also expressed the hope that Japan  
13 might belong to the New Order after the war and would  
14 not be forgotten in the new apportionment of the world. b.

15 On the same day, MATSUOKA met with Ott and made known  
16 Japan's intention to establish a new order of Greater  
17 East Asia including the South Seas. Apprehensive of  
18 German attitude toward the South Seas, MATSUOKA denied  
19 that Japan was planning to subjugate and exploit these  
20 regions and stated he would oppose any Japanese attempt  
21 in that direction. He pointed out that while there  
22 might be some doubt of this when the China Incident  
23 was surveyed superficially, if Japan was given enough  
24 (F-141 b. Ex. 548, T. 6297-8)  
25

(F-142 a. Ex. 542, T. 6278-81  
b. Ex. 543, T. 6282)

time, she would realize her idea of liberation and freedom of all races in China as well as elsewhere. Having thus attempted to reassure Germany of Japan's intentions, he inquired as to what attitude Germany would assume toward the Japanese course of action in the South Seas and what Germany would wish to do toward America.<sup>c.</sup>

F-143. Having determined that Japan would enter into a military alliance, the conspirators next turned to the problem of the nature, purpose and scope of the alliance. A decision of the Four Ministers' Conference between KOROYE, TOJO, MATSUOKA and the Navy Minister was reached on September 4, 1940. This was later approved by the Liaison Conference on September 19, 1940. It was decided that "the time is now ripe for speedy initiation of conversation" among the three Axis powers for the strengthening of the Axis.<sup>a.</sup> At the very outset, the conspirators thus recognized that the obstacle which had divided them in 1938 and 1939 - the question of the timeliness of an all out military alliance - no longer existed. It was no longer premature under the conspiratorial plan to enter into such an alliance. All were now agreed that the proper time (F-142 c. Ex. 545, T. 6286-92) (F-143 a. Ex. 541, T. 6307)



had come. The basic principles governing the negotiations were determined to be: (1) to make a fundamental agreement among the three countries so that they should mutually cooperate by all possible means in establishing a new order in Europe and in Asia; (2) to carry out consultations in as short a period as possible in regard to the best means for accomplishing cooperation, "consultation" being defined as meaning negotiations for military collaboration to be conducted in accordance with plan; and (3) to give publicity to the basic principles by a joint declaration. It was explained that "cooperation" meant that Japan would be resolved to take any action including recourse to armed force. It was stated that if Germany did not immediately require armed cooperation against Britain, Japan's objective would be the United States.<sup>b.</sup>

F-144. The decision set forth with great particularity the four basic principles which were to govern the negotiations for the military alliance. The first principle was that the three powers arrive at a mutual understanding with respect to supporting in all ways the establishment and administration of their respective spheres and with respect to cooperating on their policies toward Britain, the Soviet Union (F-143 b. Ex. 541, T. 6308-9)

and the United States. Close economic cooperation was  
1 planned to carry out preferential mutual interchange  
2 of material resources, to accord favorable considera-  
3 tion to the economic activities of the others in the  
4 respective spheres and to exchange techniques. While  
5 they planned to maintain peace with the Soviet Union  
6 and to induce her to follow Axis policy, provision was  
7 made for consultation in the event of the danger of  
8 war between any of them and the Soviet Union. They  
9 would cooperate to prevent the United States from in-  
10 terfering with the political and economic interests of  
11 the Axis powers, and in the event of war between the  
12 United States and any one of them, the others would  
13 assist by all possible means. Cooperation would extend  
14 to action in Central and South America.<sup>a.</sup> The second  
15 principle was that the Axis should speedily arrive at  
16 an understanding on their mutual support and coopera-  
17 tion in the China Incident and European war. Japan was  
18 to afford the others facilities to acquire natural and  
19 material resources in East Asia and to facilitate the  
20 war against Britain, while Germany and Italy were to  
21 furnish to Japan machinery and technical assistance and  
22 to cooperate as much as possible in settling the China  
23 Incident.<sup>b.</sup>  
24  
25

(F-144 a. Ex. 541, T. 6310-12  
b. Ex. 541, T. 6312-14)

F-145. The third principle was that the negotiations were to be based on five essentials. The  
1        first essential was that Japan's sphere for her New  
2        Order in East Asia was to include the Mandated Islands,  
3        French Indo-China, the Pacific Islands, Thailand,  
4        British Malaya, British Borneo, The Netherlands East  
5        Indies, Burma, Australia, New Zealand, India and other  
6        countries, with Japan, Manchukuo and China as the back-  
7        bone. The goal for the East Indies and Indo-China was  
8        to have them in a state of preparedness for independence  
9        with the immediate object of securing recognition of  
10       Japan's political and economic predominance.<sup>a.</sup> The  
11       second essential was a detailed analysis of the economic  
12       cooperation that each party should afford.<sup>b.</sup> The third  
13       essential dealt with Axis cooperation with regard to  
14       the Soviet Union and the United States. Japan, closely  
15       collaborating with the others, would restrain the  
16       Soviet Union on the East, West and South, induce her  
17       to align herself with the Axis, and try to have her  
18       advance to the Persian Gulf, and, in case of necessity,  
19       to India. Japan would bring pressure on the United  
20       States through collaboration with the others so that  
21       Japan's ends might be attained, and for that purpose  
22       (F-145 a. Ex. 541, T. 6314  
23       b. Ex. 541, T. 6316)  
24  
25



1 would use the emigrant and economic footholds which  
 2 Germany and Italy had in South America.<sup>c.</sup> The fourth  
 3 essential decided was that Japan should take such  
 4 steps as the situation might require to eliminate the  
 5 political and economic interests of Britain in East  
 6 Asia. Japan would cooperate in the German-Italian  
 7 war against Britain by eliminating British interests  
 8 in East Asia, by anti-British demonstration and propa-  
 9 ganda and by supporting independence movements in British  
 10 colonies.<sup>d.</sup> The fifth essential was that with respect  
 11 to the possible use of armed force against Britain and  
 12 the United States, Japan would make its decisions inde-  
 13 pendently in accordance with the principle that in the  
 14 event the China Incident should become nearly settled,  
 15 Japan would use armed force by taking as favorable an  
 16 opportunity as might be afforded by the situation pre-  
 17 vailing at home and abroad. However, if the incident  
 18 was not settled, Japan's guiding principle would be to  
 19 take action within limits short of war, but if conditions  
 20 improved and it was considered, irrespective of the  
 21 completion of Japan's preparations, that the interna-  
 22 tional situation permitted no further delay, Japan would  
 23 resort to armed force.<sup>e.</sup> The fourth principle governing  
 24 the military alliance was that the understandings men-  
 25 tioned need not take the form of agreements.<sup>f.</sup>

(F-145 c. Ex. 541, T. 6316-8 c. Ex. 541, T. 6319  
 d. Ex. 541, T. 6318-0 f. Ex. 541, T. 6321)

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1 F-146. This decision of the Four Ministers  
2 and Liaison Conferences has been dealt with at some  
3 length because the prosecution regards it as one of  
4 the most important documents in the entire proceedings.  
5 It is the culmination and the definitive expression of  
6 Japan's plan of expansion by force to establish the  
7 so-called New Order in Greater East Asia. It defines  
8 in detail the real object of Japan's aggression and  
9 sets forth the methods, including aggressive warfare,  
10 which the conspirators were willing to take to  
11 achieve that object.

12 F-147. Armed with the decision of the Four  
13 Ministers Conference of September 4, 1940, MATSUOKA  
14 lost no time in bringing the negotiations to a suc-  
15 cessful conclusion. During the first week in Sep-  
16 tember, Stahmer, who had been sent to Tokyo as the  
17 result of the conversations between MATSUOKA and Ott  
18 in August, arrived. Conversations were held between  
19 MATSUOKA, Ott and Stahmer on September 9th, 10th, and  
20 11th. In these conversations the German conferees  
21 avoided the mistakes of 1938 and 1939 which had  
22 brought about the failure of the negotiations. They  
23 did not insist that Japan take any action which she was  
24 not yet prepared to take. On the contrary, they tried  
25 F-146. a. Ex. 550, T. 6334.

1 to establish the idea that German policy was the same  
 2 as that of Japan and to assure Japan that she would  
 3 not be required to take any action under the proposed  
 4 military alliance for which she was not yet prepared.  
 5 They assured Japan that Germany did not want the  
 6 European war to develop into a world war, but wanted  
 7 the United States to stay out of the war. Germany  
 8 did not at that point want Japan's military assistance  
 9 against England, but wanted Japan to assist in keep-  
 10 ing the United States from entering the war by all  
 11 means. The only way to prevent the United States  
 12 from entering the war in Europe or with Japan was  
 13 through a military alliance.<sup>b.</sup> The conspirators  
 14 moved with great haste. By September 11th, the  
 15 conferees had agreed on a draft treaty,<sup>c.</sup> and on  
 16 September 16th the draft was considered by the  
 17 Imperial Conference.<sup>d.</sup> The treaty was completed by  
 18 September 26th and considered by the Privy Council  
 19 on that day. The matter was first considered by the  
 20 Investigation Committee of the Council.<sup>e.</sup> On the  
 21 same day, the Investigation Committee, without making  
 22 its usual written report, recommended orally that the  
 23 treaty be ratified.<sup>f.</sup> At the conclusion of the report  
 24

25 P-147. b. Ex. 549, T. 6323-7. c. Ex. 552, T. 6351-78.  
 c. Ex. 550, T. 6335. f. Ex. 553, T. 6380-9.  
 d. Ex. 550, T. 6330-43.



the Privy Council unanimously ratified the treaty. <sup>g.</sup>

1 The treaty was signed on September 27, 1940. <sup>h.</sup>

2 F-148. The treaty provided that the three  
3 parties, Japan, Germany and Italy, recognize each  
4 other's leadership in establishing a new order in  
5 their respective spheres. The parties agreed to  
6 cooperate in carrying out this policy and agreed  
7 that if one of the signatories were attacked by any  
8 third power not engaged in the European War or China  
9 Incident, the others would aid that party in all  
10 political, economic and military ways. To carry out  
11 the alliance a joint specialized committee appointed  
12 by the powers was to meet as soon as possible. Each  
13 confirmed that the treaty had no effect on the present  
14 relations between any of them and the Soviet Union. <sup>a.</sup>  
15 The fraudulent nature of this last provision will be  
16 discussed later.

18 F-149. In addition to ratification of the  
19 principle treaty, other documents were exchanged. In  
20 a letter to MATSUOKA, Ott reiterated the pledge con-  
21 tained in the treaty, offered Germany's good offices  
22 to promote a friendly understanding between Japan and  
23 the Soviet Union, and promised economic assistance to  
24

F-147. g. Ex. 553, T. 6389-90.

25 h. Ex. 43, T. 6393.

F-148. a. Ex. 43, T. 6392-3.

Japan to facilitate the establishment of the new

1 order.<sup>a.</sup> MATSUOKA wrote to Ott that while Japan  
2 hoped there would be no armed conflict between her-  
3 self and Britain, since it was not certain that there  
4 would be no such armed conflict, Japan desired to  
5 call Germany's attention to this possibility and to  
6 state that she was confident that Germany would do  
7 all in its power to aid Japan in that event.<sup>b.</sup> Ott

8 also confirmed in writing his previous oral decla-  
9 ration that Germany agreed that the former German  
10 colonies actually under Japan's mandate in the South  
11 Seas were to remain with Japan, Germany to be com-  
12 pensated therefor; and with respect to other former  
13 colonies in the South Seas, Germany would confer  
14 with Japan on their sale to Japan for compensation  
15 after they had been returned to Germany at the con-  
16 clusion of the peace.<sup>c.</sup>

17  
18 F-150. The defense contend that this treaty  
19 was in fact an instrument of peace designed to keep  
20 the United States out of the war and to prevent the  
21 war from spreading to a world-wide conflagration.  
22 Admittedly, the pact was designed to keep the United  
23 States out of war. This was, however, not for the  
24

25 F-149. a. Ex. 555-B, T. 6396-9.

b. Ex. 555-C, T. 6400-1.

c. Ex. 555-A, T. 6404; Ex. 556, T. 6401-3.

1 purpose of maintaining world peace but to facilitate  
2 the execution of the aggressive plans by eliminating  
3 through duress a possible obstacle to those plans. If  
4 any concept of world peace entered into the thoughts  
5 of the conspirators, it was a world peace based  
6 solely upon their own terms and conditions, regard-  
7 less of the desires and needs of the rest of the  
8 world. It was, indeed, a strange peace which the  
9 treaty was to provide. It was the peace that the  
10 burglar gives when he binds and gags the watchman  
11 before robbing the house. It is no coincidence that  
12 in considering this instrument of peace, the Privy  
13 Council devoted most of its discussions to the subject  
14 of Japan's preparedness for war.<sup>a.</sup> Moreover, the  
15 United States was to be kept out of war only so long  
16 as the conspirators desired that situation to exist.  
17 The Four Ministers Conference of September 4, 1940,  
18 had already decided that Japan would go to war with  
19 the United States when Japan was prepared or when the  
20 international situation was favorable.<sup>b.</sup>

21 F-151. This defense is, indeed, a cynical one,  
22 completely unworthy of consideration. The concept of  
23 peace of these accused and their fellow conspirators  
24

25 F-150. a. Ex. 552, T. 6353-6; 6365-7.

b. Ex. 541, T. 6319.



was the ~~perverted~~ one of the gangster. An alliance among gangsters does bring peace to the gangsters, but to the rest of the community it has always brought trouble and terror. This treaty was in every sense an alliance of gangsters, and that fact was known to those accused before and at the time of entering the alliance. They had chosen their allies carefully. On the one hand, they allied themselves with Mussolini, who had invaded and bombed Ethiopia, who had joined the war against France when she was on the point of collapse and who had invaded Greece. On the other hand, they allied themselves with Hitler, who had taken Austria and Czecho-Slovakia, who had invaded and devastated Poland, who had overrun France and Belgium, who for purposes of military expediency had violated the neutrality of Belgium, Holland, Denmark and Norway, and who was openly engaged in a program of exterminating unwanted peoples in his own country and in those of his victims. These were the allies with whom MATSUOKA publicly stated Japan had a common unity, "the result of a strong spiritual combination based on a common idea."<sup>a</sup> These facts about Japan's allies were known throughout the world, and these accused cannot pretend to have been ignorant.

F-151. a. Ex. 473C, T. 6424.

1 Nor can they expect us to believe that peace was the  
2 objective of an alliance with such allies. With the  
3 signing of this pact, the conspirators brought Japan  
4 formally and completely into the Axis partnership  
5 in crime. Whatever doubts may have existed that this  
6 treaty was a formal alliance to divide up the world  
7 among the Axis partners were eliminated when OSHIMA  
8 publicly stated that the fact that the alliance was  
9 concluded with the grand object of establishing a  
10 new order in the world constituted the great feature  
11 of the treaty.  
12 b.

12 F-152. Immediately after the signing of  
13 the Tripartite Pact steps were taken to implement it.  
14 Within a few months of its conclusion the German and  
15 Italian satellite nations had joined. Hungary joined  
16 on November 20, 1940, Roumania on November 23,  
17 Slovakia on December 24, Bulgaria on March 1, 1941,  
18 and Croatia on June 15, 1941.  
19 a. The treaty had  
20 provided for the appointment of a commission to  
21 effectuate its purpose. In each of the capital  
22 cities of Tokyo, Berlin and Rome, a general commission  
23 and two technical commissions, one economic and one  
24 military, were formed. Each general commission was

25 F-151. b. Ex. 3517A, T. 34184.

F-152. a. Ex. 558, T. 6412.

1 made up of the Foreign Minister of the country in  
2 which it sat and the ambassadors of the other two  
3 countries. The general commissions had the task of  
4 executing the Tripartite Pact and were to be supported  
5 by the subordinate commissions. The technical com-  
6 missions were required to submit their proposals to  
7 the general commission. <sup>b.</sup> The defense maintains that  
8 these commissions did not function and that the par-  
9 ties to the Tripartite Pact did not in fact cooperate  
10 as provided. However, YOKOI, a witness for OSHIMA,  
11 explained the reason for this fact. He admitted on  
12 cross-examination the statement previously given in  
13 his interrogation that the joint military commission  
14 did not function effectively because there was an  
15 unofficial commission consisting of OSHIMA and Ribben-  
16 trop, which conferred on military measures. It was  
17 therefore difficult for the subordinate military  
18 commission to carry out its functions. <sup>c.</sup> Regardless  
19 of whether the military commission functioned, the  
20 economic commission in Berlin had by April 28, 1941,  
21 set up for itself a complete work program for both the  
22 war and the post-war period. <sup>d.</sup> To further implement  
23 the Pact, OSHIMA, who had worked zealously for its  
24

25 F-152. b. Ex. 559, T. 6418-20.

c. T. 33972-3.

d. Ex. 598, T. 6630-4.



1 conclusion since it had first been proposed, was  
 2 on December 20, 1940, again appointed ambassador to  
 3 Germany.<sup>e.</sup> MATSUOKA, the army and the navy felt that  
 4 they must have a reliable proponent of this alliance  
 5 in the post at Berlin.<sup>f.</sup> In a speech given before  
 6 OSHIMA's departure, MATSUOKA, perhaps needlessly,  
 7 reminded him that both the wars in Europe and in  
 8 China had a fundamental common cause and that unity  
 9 between Japan and Germany was not at all due to  
 10 chance but was "the result of a strong spiritual  
 11 combination based on a common idea."<sup>g.</sup>

12 F-153. The signing of the Pact was shortly  
 13 followed by concrete acts of cooperation. By January  
 14 31, 1941, Ott was able to report that Japan was try-  
 15 ing to scare off America by threats, armament measures  
 16 and sharp speeches.<sup>a.</sup> When difficulties arose between  
 17 Thailand and French Indo-China over their border and  
 18 Japan thrust herself into the conflict as mediator,  
 19 Germany used its control over Vichy to obtain French  
 20 consent to the mediation.<sup>b.</sup>

21 F-154. Notwithstanding that the Pact did  
 22 not require Japan to give assistance against any power  
 23 then involved in the wars, Germany and certain of the

24 F-152. c. Ex. 121, T. 767. F-153. a. Ex. 562, T. 6430.  
 25 f. Ex. 560, T. 6422. b. Ex. 565, T. 6444-5;  
 g. Ex. 473C, T. 6423-4. Ex. 564, T. 6446;  
 Ex. 565, T. 6647;  
 Ex. 566, T. 6647.

1 conspirators in Japan almost immediately began  
2 plann<sup>d</sup> g to bring Japan into the war against England.  
3 In January 1941, with knowledge that activist circles  
4 in Japan, of which SHIRATORI was a leader, were demand-  
5 ing a preventative attack on Singapore, Ott and his  
6 attaches made a study on the prospects of an attack  
7 on Singapore, both as to the chances of success and  
8 the advantages to be gained therefrom for both Japan  
9 and Germany. The results were reported to Ribbentrop  
10 on January 31, 1941.<sup>a.</sup> In February, after Ribbentrop  
11 had been informed that MATSUOKA would visit Germany  
12 about the middle of March,<sup>b.</sup> he and Weizacker, in  
13 contemplation of the visit, took up with OSHIMA the  
14 matter of bringing Japan into the war against England.<sup>c.</sup>  
15 OSHIMA was informed that the war with England had been  
16 won militarily, economically and politically, but  
17 that Germany desired it to end quickly and for this,  
18 cooperation with Japan was important. Japan should  
19 strike quickly with a decisive blow by an attack on  
20 Singapore to eliminate England in East Asia and secure  
21 i r Japan the position it could win only in war.  
22 Ribbentrop thought it wise for MATSUOKA to bring with  
23 him the final decision to attack Singapore so that  
24

25 F-154. a. Ex. 562, T. 6430-4.

b. Ex. 569, T. 6453-5.

c. Ex. 570, T. 6457; Ex. 571, T. 6459-67.

they could discuss the details. The occupation must

1 take place speedily without a declaration of war.

2 Ribbentrop warned that Japan must obtain for herself

3 the position she hoped to have at the conclusion of

4 peace. At the same time, Ott was instructed by

5 Ribbentrop to work with all means so that Japan would

6 take possession of Singapore as soon as possible by

7 surprise. The German Army was instructed to

8 cooperate with Japan to bring Japan into immediate

9 active operations in the Far East to immobilize

10 English forces and tie United States interests to the

11 Pacific. To obtain Japan's entry into the war,

12 Germany was prepared to renounce her claims to the

13 Netherlands East Indies and the Mandated Islands and

14 to increase support of Japan's policy in China.

15 F-155. In March 1941, MATSUOKA came to Berlin

16 and conferred with Hitler, Ribbentrop, and Goering.

17 The constant theme of all these discussions was the

18 importance of an early attack by Japan on Singapore.

19 Ribbentrop assured that such an attack would not mean

20 war with the United States. MATSUOKA advised that

21 he was using a policy of reassuring Britain about

22 F-154. d. Ex. 571, T. 6463-7. f. Ex. 573, T. 6470-3;

23 e. Ex. 572, T. 6468. Ex. 574, T. 6474-5.

24 F-155. a. Ex. 577, T. 6485; Ex. 582, T. 6538.

25 b. Ex. 578, T. 6499; Ex. 579, T. 6513; Ex. 580, T. 6522; Ex. 583, T. 6456.

c. Ex. 581, T. 6534; d. Ex. 579, T. 6521.



1 Singapore in order to fool Britain, the United States  
 2 and the pro-British elements in Japan until the at-  
 3 tack.<sup>e.</sup> When MATSUOKA asked for a German written  
 4 promise of assistance against Singapore, Ribbentrop  
 5 promised technical aid on dive-bombing and attack on  
 6 fortifications.<sup>f.</sup> When MATSUOKA expressed the possi-  
 7 bility that an attack on Singapore might involve  
 8 Japan in war with the United States, Hitler promised  
 9 that in that event Germany would strike without delay.<sup>g.</sup>  
 10 MATSUOKA promised Hitler to make a favorable decision  
 11 at the opportune time, but he asked that the matter  
 12 discussed be kept secret. He did not even intend to  
 13 tell the Emperor or KONOYE.<sup>h.</sup>

14 F-156. On his way home, MATSUOKA concluded  
 15 a neutrality pact with the Soviet Union on April 13,  
 16 1941.<sup>a.</sup> This was an obvious move in protection of  
 17 the projected move against Singapore. However, the  
 18 ink was hardly dry on Japan's nonaggression treaty,  
 19 when on June 22, 1941, Germany invaded the Soviet  
 20 Union.<sup>b.</sup> Notwithstanding the nonaggression pact with  
 21 the Soviet Union and notwithstanding the fact that the  
 22 Tripartite Pact expressly excluded the Soviet Union  
 23 from its operations, OSHIMA agreed to influence Japan  
 24

25 F-155. c. Ex. 580, T. 6524. g. Ex. 582, T. 6538-40.  
 f. Ex. 580, T. 6529-30. h. Ex. 582, T. 6544-5.  
 F-156. a. Ex. 45, T. 6553; b. T. 6561.

1 toward speedy military action against the Soviet  
 2 Union, and Ott was instructed to utilize all possi-  
 3 bilities to influence Japan. They were to point out  
 4 that it was in Japan's interest to so move and that it  
 5 would solve the China question and facilitate the  
 6 drive toward Singapore.<sup>c.</sup> Japan, however, determined  
 7 to go through with the program of advancing to the  
 8 South.<sup>d.</sup>

9 F-157. Beginning in November 1941, final  
 10 arrangements for military cooperation against the  
 11 Western Powers were made between Germany and Japan.  
 12 On November 18, 1941, Ribbentrop advised that Germany  
 13 was willing to make a no-separate-peace agreement in  
 14 case both nations became involved in war against the  
 15 United States.<sup>a.</sup> On November 23, 1941, OKAMOTO  
 16 inquired of Ott whether Germany would consider herself  
 17 at war with the United States in the event Japan  
 18 began a war against her.<sup>b.</sup> Ribbentrop replied on  
 19 November 29, 1941, by encouraging OSHIMA to have  
 20 Japan declare war, and promised that if Japan did  
 21 become engaged in a war against the United States,  
 22 Germany would join immediately.<sup>c.</sup> The matter was  
 23 taken up officially with Germany on December 2, 1941,

24 F-156. c. Ex. 587, T. 6562-4; d. Ex. 588, T. 6566-9.

F-157. a. Ex. 601, T. 6638;

b. Ex. 602, T. 6640; c. Ex. 603, T. 6641-5, 50

and with Italy on December 3, 1941,<sup>d.</sup> when Mussolini  
 promised an immediate declaration of war by Italy on  
 the outbreak of war.<sup>e.</sup>

F-158. By December 7, 1941, Japan had  
 fully completed her alliances in preparation for war.  
 The obligations of the alliances were honored by  
 her allies. On December 11, 1941, Japan, Italy, and  
 Germany entered into a no-separate-peace pact to  
 fight the war with Britain and the United States until  
 victory was achieved.<sup>a.</sup> On January 18, 1942, the  
 three nations entered into a military agreement  
 designating the areas where the forces of each would  
 operate and defining the main points of military  
 cooperation. They were to maintain contact in  
 operational planning and collaboration in economic  
 and psychological warfare.<sup>U.</sup>

MR. TAVENNER: Mr. Justice Borgerhoff Mulder  
 will continue for the prosecution.

F-157. d. Ex. 605, T. 6655-6; Ex. 607, T. 6660-1.

e. Ex. 606, T. 6657-9.

F-158. a. Ex. 51, T. 6668-70.

b. Ex. 49, T. 6681-5.



THE PRESIDENT: Mr. Justice Borgerhoff Mulder.

MR. JUSTICE BORGERHOFF MULDER: (Reading)

Part IV of the Conspiracy. Expansion of Aggression to the Rest of East Asia and the Southwest Pacific.

G-1. The plan of 1936 to secure a steady footing on the Asiatic Continent and to advance to the South Seas for the purpose of building Japan's New Order in Greater East Asia and the all-out preparation for war in excess of the needs occasioned by the hostilities in China make it apparent that Japan's plans for expansion did not stop at the borders of China. The conspiratorial plans envisioned not only domination of the vast domain of China but also domination of the rest of East Asia and of the Southwest Pacific. However, before this grandiose objective could be completely achieved certain formidable obstacles had to be eliminated. These obstacles were two-fold. On the one hand with respect to the expansion into China proper and into the areas south of China, the obstacle was the Western Powers, particularly Britain, the United States, France and Holland. On the other hand with respect to the expansion into China proper and into the areas north of China, the obstacle was the Soviet Union. Both of these obstacles had to be overcome.

A. Aggression Against the Western Powers.

1. Efforts to Eliminate the Western Powers  
Prior to 1939.

G-2. Apart from the resistance of the Chinese and the other peoples of Asia, the Western Powers, especially Britain and the United States, were the great and formidable obstacles to the successful achievement of all that the conspirators planned. They were obstacles not only because they themselves were objects of Japan's aggression and because of the vast financial and economic interests which they or their nationals possessed in China and the rest of Asia and the Pacific, which interests had to be expelled or limited and subordinated to those of Japan if the conspiratorial plan were to succeed; but also because through solemn treaty and agreement Japan stood firmly bound with them to forego the aims and ends of the conspiracy and to forbear from any and all of the actions required to effectuate it.

G-3. So long as the provisions of the various treaties remained in full force and effect, so long as the parties signatory to them felt themselves firmly bound to respect them both in letter and spirit, Japan could not obtain domination of the East Asiatic and Pacific worlds. The object of the conspiracy

could be successfully attained only if the formidable  
1 obstacle of the Western Powers could be removed, and  
2 that could be accomplished only if these treaty pro-  
3 visions and their correlative duties and obligations  
4 could be evaded, abrogated, altered, redefined or  
5 broken. The history of the relations between Japan  
6 and the Western Powers, especially the United States  
7 and Great Britain, from 1931 on is the story of the  
8 efforts of the conspirators to rid Japan of the duty  
9 of carrying out the various obligations which she had  
10 voluntarily undertaken to respect the rights of others  
11 in the Asiatic-Pacific world and of the resistance of  
12 the Western Powers to such efforts. To free Japan of  
13 her duties and obligations under these treaties so as  
14 to eliminate the Western Powers from the Asiatic-Pacific  
15 world or to subordinate their rights there to those of  
16 Japan within the limits allowed by Japan, the conspi-  
17 rators resorted to every known or conceivable method  
18 to evade, alter, abrogate, redefine or break the  
19 treaties. They used intimidation, fraud, artifice  
20 and chicanery, subtle redefinition of terminology,  
21 negotiation, and when all else failed, they resorted  
22 to the unlawful use of armed force against the Western  
23 Powers.  
24  
25

G-4. From 1931 to 1941, the conspirators



made every effort to deprive the Western Powers and their nationals of their legitimate interests in Asia and in the Pacific, to force them to withdraw from the area or to accept a position inferior to that held by Japan and the Japanese. In Manchuria the Japanese monopolized industry, were given tax exemptions and other preferences which conferred upon them a highly favorable position as against the nationals of other powers. Huge organizations were subsidized and Japanese controlled. Manchurian economy was completely integrated with that of Japan.

G-5. As fighting progressed in China, there were many hostile acts performed -- all designed, contrary to treaty provisions, to bring about the elimination of Britain and the United States and other nations from the Chinese picture either voluntarily or involuntarily. Property belonging to the United States or Great Britain, or their respective nationals was repeatedly bombed, often after protest and often after fighting had ceased in the area where the property was situated. Other properties were seized, looted and occupied. Protests were often unanswered, or there were unduly protracted delays in replying to them. The

U6-8; Ex. 940, T. 9409-11.  
 (G-4. a. Ex. 939, T. 9413; Ex. 944, T. 9419-20.  
 Ex. 941, T. 9481-2; Ex. 966, T. 9483-5.)

property destroyed included government, missionary,  
 1 hospital, university and other charitable properties.

2 They bombed the U.S.S. Panay and H.M.S. Ladybird and  
 3 other ships. b. Citizens of the two nations were killed,

4 assaulted, insulted and degraded so as to appear

5 inferior to the Japanese. c. Western business interests

6 were interfered with and compelled to shut down or to

7 evacuate during the period of hostilities. They were

8 either denied permission to reopen on the grounds that

9 it was unsafe, even though Japanese business men were

10 allowed to re-enter the area, or their entry was delayed

11 until after the Japanese had safely established their

12 (G-5. a. Ex. 955, T. 9456-8; Ex. 956, T. 9458-60;  
 13 Ex. 971, T. 9503-4; Ex. 974, T. 9536-7;  
 14 Ex. 975, T. 9538-9; Ex. 976, T. 9540-1;  
 15 Ex. 980, T. 9554; Ex. 981, T. 9555;  
 16 Ex. 982, T. 9556; Ex. 983, T. 9557-8;  
 17 Ex. 985, T. 9560-2; Ex. 988, T. 9568-71;  
 18 Ex. 995, T. 9603-5; Ex. 996, T. 9606-7;  
 19 Ex. 998, T. 9609; Ex. 999, T. 9610-11;  
 20 Ex. 1000, T. 9612; Ex. 1010, T. 9653;  
 21 Ex. 1011, T. 9659-60; Ex. 1028, T. 9724-5;  
 22 Ex. 1029, T. 9738-9, 9745-7; Ex. 1064, T. 9873-4;  
 23 Ex. 1069, T. 9890-1; Ex. 1072, T. 9908;  
 24 Ex. 1082, T. 9963; Ex. 1088, T. 9996-7;  
 25 Ex. 1099, T. 10040.  
 b. Ex. 263, T. 3517; Ex. 954C, T. 9451-4;  
 Ex. 964, T. 9478-80; Ex. 995, T. 9602.  
 c. Ex. 949, T. 9433-4; Ex. 956, T. 9459-60;  
 Ex. 960, T. 9464; Ex. 972B, T. 9509;  
 Ex. 984, T. 9558-9; Ex. 1003, T. 9618-23;  
 Ex. 954, T. 9454; Ex. 955, T. 9456-8.)

position. <sup>g.</sup> The Japanese seized the customs revenues  
 1 in numerous places in China, although they were pledged  
 2 for the payment of the obligations of China to other  
 3 nations. <sup>e.</sup> As in Manchuria, they set up and subsidized  
 4 monopoly corporations to control the industry and agri-  
 5 culture of China, in which Japanese and Japanese business  
 6 held preferential positions. <sup>f.</sup>

G-6. In addition to the hundreds of un-  
 8 availing protests which they filed with Japan for in-  
 9 dividual and specific violations of treaty provisions,  
 10 the Western Powers, particularly the United States and  
 11 Great Britain, made abundantly clear to the Japanese,  
 12 both by words and actions, that they supported the  
 13 principles of the treaties, that Japan's actions were  
 14 in violation of treaty rights and that they expected  
 15 Japan to act in accordance with her treaty duties and  
 16 obligations. They repeatedly offered their assistance  
 17 to aid Japan to solve her problems within the confines

19 (G-5. d. Ex. 970, T. 9500; Ex. 972E, T. 9514-5;  
 20 Ex. 973, T. 9534-5; Ex. 991, T. 9592-7;  
 Ex. 992, T. 9598-9; Ex. 1001, T. 9614;  
 21 Ex. 1002, T. 9615-6; Ex. 1003, T. 9617-8;  
 Ex. 1004, T. 9626-7; Ex. 1005, T. 9628-9;  
 22 Ex. 1022, T. 9707-11; Ex. 1024, T. 9716-17;  
 Ex. 1029, T. 9740-4, 9750-1; Ex. 1031, T. 9768;  
 23 Ex. 1032, T. 9769-70; Ex. 1033, T. 9771-2.  
 e. Ex. 968, T. 9493-5; Ex. 990, T. 9590-1;  
 24 Ex. 993, T. 9600.  
 f. Ex. 1028, T. 9728, 9739-44;  
 25 Ex. 1029, T. 9739-40;  
 Ex. 1029, T. 9747-8.)



of these obligations. On September 22, 1931, within  
1 four days after the inception of the Manchurian Inci-  
2 dent, Secretary of State Stimson met with Ambassador  
3 Debuchi and pointed out to him the serious impression  
4 the matter would make in the United States, if the  
5 situation in Manchuria was not restored to status quo. a.  
6 On the same day, he delivered a memorandum to the  
7 Japanese Ambassador in which he made clear that the  
8 situation was of military, legal and political concern  
9 to nations other than China and Japan and that it  
10 brought up questions of the meaning of certain provi-  
11 sions in the Nine-Power Treaty and the Kellogg-Briand  
12 Pact. He also stated that while he was confident that  
13 Japan did not want to bring these treaties into appli-  
14 cation, the responsibility for determining the course  
15 of events rested on Japan, which had seized and was  
16 exercising de facto control of Manchuria. b.  
17 Again, on  
18 the same day, the United States addressed a note jointly  
19 to China and Japan in which Secretary Stimson expressed  
20 the hope that hostilities would cease and the matter  
21 be settled amicably, after pointing out that the United  
22 States desired that principles and peaceful methods  
23 should prevail in international affairs and after naming  
24 (G-6. a. Ex. 920, T. 9340-43.  
25 b. Ex. 921, T. 9344-7.)

1 the treaties for the adjustment of controversies without  
2 force to which the United States was a party.<sup>c.</sup>

3 G-7. When the League of Nations passed its  
4 resolution on September 30, 1931, Stimson notified the  
5 League that the United States acting independently would  
6 try to reinforce the league because of its definite  
7 interest in the matter and of its awareness of the  
8 obligations which the parties had assumed to the signa-  
9 tories of the Pact of Paris and the Nine-Power Pact.<sup>a.</sup>

10 The earlier resolution of the Council of the League,  
11 of which Great Britain and France were members, was on  
12 October 24, 1931, followed by a second resolution making  
13 specific recommendations for an amicable settlement of  
14 the controversy and a third resolution of December 10,  
15 1931, re-affirming the earlier resolutions.<sup>b.</sup> On the  
16 same day on which the league passed its third resolu-  
17 tion, Secretary Stimson approved the action of the league  
18 and pointed out the interests of the United States to  
19 prevent war and secure a peaceful solution, inasmuch  
20 as a fellow signatory it had a direct interest in and  
21 obligation under the Kellogg-Briand Pact and the Nine-  
22 Power Treaty.<sup>c.</sup>

24 (G-6. c. Ex. 922, T. 9348-9.

25 G-7. a. Ex. 925, T. 9352-3; Ex. 926, T. 9356-7.  
b. Ex. 927, T. 9358-60; Ex. 928, T. 9360-2.)  
c. Ex. 929, T. 9363-5.)

1 G-8. Since, notwithstanding her assurances  
2 and commitments Japan's troops moved farther into Man-  
3 churia, on January 7, 1932, Stimson warned both China  
4 and Japan that the United States could not admit the  
5 legality of any de facto situation and would not recog-  
6 nize the validity of any treaty or agreement which  
7 would impair United States treaty rights in China,  
8 including those relating to China's sovereignty,  
9 independence and integrity or to the open door, and  
10 would not recognize any situation brought about by means  
11 contrary to the Kellogg-Briand Pact.<sup>a.</sup> This was shortly  
12 followed by a press release in the form of a letter from  
13 Stimson to Senator Borah, in which Stimson reviewed  
14 the history of the Nine-Power Pact and its validity and  
15 justice as an instrument of foreign policy. He pointed  
16 out that it was an integral part of the interrelated  
17 and interdependent Washington treaty system in which  
18 Japan had joined, and could not be modified or abrogated  
19 without considering the premises on which it was based.  
20 This letter was repeated in Tokyo. In February 1933,  
21 the United States concurred with the findings of the  
22 League of Nations on the Manchurian Incident and en-  
23 dorsed the principles of settlement recommended by the  
24 League.<sup>c.</sup>  
25

(G-8. a. Ex. 930, T. 9366-7. c. Ex. 933, T. 9383-4.)  
b. Ex. 932, T. 9370-82.



G-9. On September 25, 1935, in answering inquiries with respect to the United States attitude on the autonomy movement in North China, Secretary of State Hull stressed that the movement was being carefully watched because of the United States treaty rights and obligations.<sup>a.</sup> On June 12, 1936, Hull spoke frankly with the Japanese Ambassador, making clear that many in the United States had the impression that Japan sought absolute economic domination of East Asia and other places and that this would ultimately end in political and military domination.<sup>b.</sup>

G-10. On July 21, 1937, within two weeks after the Marco Polo Bridge Incident, after having made clear in his statement of July 16, 1937, the policy of the United States toward adherence to treaties and pacific settlement of disputes,<sup>a.</sup> Hull in a conference with the Japanese Ambassador expressed the willingness of the United States to say or do anything short of mediation which might in any way contribute toward composing the controversies between Japan and China.<sup>b.</sup>

Following this meeting, in August 1937 Grew was authorized to and did offer the good offices of the United States in the matter.<sup>c.</sup> On August 23, 1937, the

(G-9. a. Ex. 938, T. 9403-5. b. Ex. 948, T. 9427-8.  
G-10. a. Ex. 947, T. 9424-6. b. Ex. 949, T. 9429-34.  
c. Ex. 950, T. 9435-6.)

1 Department of State, making specific reference to the  
2 situation in the Far East, reaffirmed its basic prin-  
3 ciples for the settlement of international disputes in  
4 a public statement to the press.<sup>d.</sup>

5 G-11. In September 1937, the United States  
6 and the League of Nations joined in the investigation  
7 of Japan's activities in China and again emphasized  
8 their adherence to the Nine\*Power Treaty and the  
9 Kellogg-Briand Pact, stressing that the matter had now  
10 gone beyond the violation of specific provisions of  
11 treaties and involved questions of world economy,  
12 humanity and security.<sup>a.</sup> When the League of Nations  
13 Advisory Committee on September 27, 1937, condemned  
14 the action of Japan for its aerial bombardment of open  
15 towns in China, the United States on the next day  
16 concurred in unmistakable language with the Committee  
17 action.<sup>b.</sup>

18 G-12. On October 6, 1937, the day following  
19 President Roosevelt's Chicago speech in which he deplored  
20 the tendency on the part of the nations to ignore the  
21 mechanism of the Kellogg-Briand Pact, both the League  
22 of Nations and the United States concluded that Japan's  
23

24 G-10. d. Ex. 952, T. 9438-40.

25 G-11. a. Ex. 953, T. 9440-3.

b. Ex. 958, T. 9462; Ex. 959, T. 9463.

actions in China were inconsistent with the principles  
1 which should govern international relations and in  
2 violation of both the Nine-Power Treaty and the  
3 Kellogg-Briand Pact.<sup>a.</sup>

4 G-13. On March 17, 1938, Secretary Hull  
5 again publicly reiterated the offer of the United  
6 States to assist in facilitating the settlement of  
7 the conflict between China and Japan by peaceful  
8 processes; and went on to emphasize that the interests  
9 of the United States in the Far East went beyond the  
10 interests of American citizens in the area and was  
11 based on the broader, more fundamental interest that  
12 orderly processes in international matters based on  
13 principles be maintained.<sup>a.</sup>

15 G-14. Finally, on July 26, 1939, after  
16 numerous protests against commercial discrimination  
17 against its citizens, the United States notified  
18 Japan of its determination to abrogate its commercial  
19 treaty of 1911 with Japan.<sup>a.</sup>

20 G-15. While daily at every turn the con-  
21 spirators were carrying out an actual policy of  
22 aggression, directly contravening the express obliga-  
23 tions of the treaty provisions, they maintained for  
24 G-12. a. Ex. 961, T. 9470-2; Ex. 962; T. 9474-5;  
25 Ex. 963, T. 9476.  
G-13. a. Ex. 967, T. 9490, G-14. a. Ex. 994, T. 9602.



a long time a steadfast adherence to a professed policy  
1 that they were faithfully executing their obligations  
2 under the treaties, and denied that they were either  
3 breaking them or intended to break them, or were seek-  
4 ing in any way to have them altered or abrogated. In  
5 face of the adamant adherence of the Western Powers to  
6 the Washington and Paris Treaties system, the con-  
7 spirators did not dare to admit to these powers the  
8 reality of their actual program or even their inten-  
9 tions with respect to it. Instead they maintained  
10 piously throughout that they were faithful to their  
11 obligations and devoted their energies to devising new  
12 formulae, ostensibly within the treaty system, which if  
13 accepted by the Western Powers, would have completely  
14 emasculated both the Nine-Power Treaty and the Pact of  
15 Paris.  
16

17 G-16. On September 24, 1931, within a week  
18 after the outbreak of the Manchurian Incident, at the  
19 conclusion of the extraordinary cabinet session of that  
20 day, a statement was issued through the Japanese Embassy  
21 in Washington to the effect that it was superfluous to  
22 repeat that Japan harbored no territorial designs in  
23 Manchuria.<sup>a.</sup> Within a few days, on September 28, 1931,  
24 the Foreign Minister stated that the Japanese forces  
25  
G-16. a. Ex. 923, T. 9349-50.

1 had and would exercise every care to observe the  
2 requirements of international law and agreements and  
3 would avoid any action which would prejudice an  
4 amicable agreement between Japan and China. <sup>b.</sup> On  
5 January 16, 1932, in answer to Stimson's note of  
6 January 7, refusing to recognize any de facto situation  
7 or agreement contrary to the provisions of the Kellogg-  
8 Briand Pact, the Foreign Minister replied that Japan  
9 was aware that the United States could be relied on  
10 to support Japan's efforts to secure full and complete  
11 fulfillment of the Washington and Kellogg treaties.  
12 He further stated that Japan regarded the open door  
13 policy as a cardinal factor in Far Eastern policies  
14 and regretted that its effectiveness was diminished  
15 by unsettled conditions in China, and assured the  
16 United States that so far as Japan could secure it  
17 the policy of the open door would always be maintained  
18 in Manchuria and China. <sup>c.</sup> In the statement of Count  
19 UCHIDA of August 25, 1932, and the public statement of  
20 September 15, 1932, similar announcements were made to  
21 the effect that with respect to economic activities  
22 of foreigners, Manchuria had stated that it would  
23 observe the principle of the open door and Japan

24 G-16. b. Ex. 924, T. 9351.  
25 c. Ex. 931, T. 9368-9.

1 desired to do away in Manchuria with all anti-foreign  
2 policies, while at the same time guaranteeing Japan's  
3 legitimate rights and interests, and hoped that all  
4 the world would pursue their economic activities in  
5 Manchuria on a footing of equal opportunity.  
6

7 THE PRESIDENT: We will recess for fifteen  
8 minutes.  
9

10 (Whereupon, at 1045, a recess was  
11 taken until 1100, after which the proceedings  
12 were resumed as follows:)  
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14 G-16. d. Ex. 934, T. 9386-8.  
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1 MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Captain Kraft.

3 LANGUAGE ARBITER (Captain Kraft): If the  
4 Tribunal please, the following language correction is  
5 submitted: Record page 39,083, line 10, insert  
6 "Insert single quote" after the word "plan." (Note:  
7 this is a correction of a language correction.)

8 THE PRESIDENT: General MULDER.

9 MR. JUSTICE BORGERHOFF MULDER (continuing  
10 reading): The policy actually pursued was so clearly  
11 inconsistent with the statements of adherence to the  
12 treaty system made by the Foreign Office that it was  
13 deemed necessary to set up a formula within, or special  
14 interpretation of, the treaty system which would  
15 justify Japan's actions and which, if accepted by the  
16 other signatory powers, would give blanket approval  
17 to Japan's absorption of China. Accordingly, on  
18 April 17, 1934, to test the reactions of the treaty  
19 powers to the new formula, a trial balloon was raised  
20 in the form of the AMAU Statement. This statement was  
21 carefully handled and was given out as an unofficial  
22 declaration unofficially issued, so it might be easily  
23 withdrawn if international reaction was too violent.  
24 In this statement AMAU maintained that due to Japan's  
25

special position in China, her views might not agree  
1 on all points with other nations, but it must be realized  
2 that Japan had to exercise the utmost effort to carry  
3 out her mission and fulfill her special responsibili-  
4 ties in Asia. Because of Japan's position and mission  
5 the difficulties in attitude toward China could not  
6 be evaded; and while Japan was endeavoring to maintain  
7 and promote friendly relations with foreign nations,  
8 at the same time she must act alone on her own re-  
9 sponsibility to keep peace and order in East Asia, a  
10 responsibility which could be shared with no country  
11 other than China. Japan, therefore, opposed any  
12 attempt by China to avail herself of the help of any  
13 other country to resist Japan and felt that any joint  
14 operations with a foreign power even in the nature of  
15 technical or financial assistance after the Manchurian  
16 and Shanghai Incidents had political significance.  
17 Japan had therefore to object to such action as a  
18 matter of principle, although she would not interfere  
19 with any foreign country negotiating with China on  
20 questions of finance and trade, so long as the nego-  
21 tiations benefited China and did not endanger peace  
22 in the Far East. Japan would oppose the supplying of  
23 China with planes, airdromes, military advisors or  
24  
25

a.  
loans for political uses.

1           G-18. The other signatories having received  
2 the statement without a great deal of enthusiasm,  
3 Foreign Minister HIROTA, one of the accused conspira-  
4 tors, took the earliest opportunity to assure Ambassador  
5 Grew confidentially that AMAU, under pressure of  
6 newspaper questioning, had given out this statement  
7 without HIROTA's knowledge or approval, and that the  
8 world had received a wholly false impression of  
9 Japan's policy. Japan, in fact, had no intention  
10 of seeking special privileges in China, of encroach-  
11 ing upon China's integrity or of creating trade diffi-  
12 culties for other countries. While certain foreign  
13 activities have tended to disturb the peace, which  
14 Japan desired to maintain, Japan had no intention or  
15 desire to create for herself a privileged position  
16 in derogation of the rights of others under the Nine  
17 Power Treaty, and it was Japan's policy to completely  
18 observe and support that treaty.<sup>a.</sup>  
19

20           G-19. Despite HIROTA's purported retraction  
21 of the AMAU statement, that portion of the new formula  
22 as to Japan's special position and interest became  
23 the new dominant theme in dealing with Far Eastern  
24 matters. On May 19, 1934, when Hull asked the Japanese

25   G-17. a. Ex. 935, T. 9389-92.  
     G-18. a. Ex. 936, T. 9393.



Ambassador whether his government differed with  
1 Full's restatement of April 28, 1934, the latter  
2 replied that Japan agreed with the fundamentals, but  
3 felt that it had a special interest in preserving  
4 peace and order in China. He then repeated the same  
5 formula that Japan had been using for weeks of her  
6 superior duty or function to preserve peace and of  
7 her special interest in the peace situation in Eastern  
8 Asia.<sup>a.</sup>

9  
10 G-20. When Full stated that there was con-  
11 siderable inquiry as to why Japan had singled out the  
12 formula of superior and special interest and that  
13 people were wondering whether the phrase or formula  
14 had an ulterior, ultimate implication of an overlord-  
15 ship of the Orient or a purpose to secure preferential  
16 trade rights, the Ambassador replied by protesting  
17 that this was not the meaning contemplated or intended.  
18 When Hull inquired whether Japan was disposed to denounce  
19 or get rid of the treaties in whole or in part, and  
20 pointed out that that way would be less embarrassing  
21 to the United States than ignoring or violating them  
22 would be, the Ambassador replied that his government  
23 was not disposed to denounce and abrogate the treaties.<sup>a.</sup>

24 G-19. a. Ex. 937, T. 9395-9402

25 G-20. a. Ex. 937, T. 9398, 9401-2.

1 While insisting on their formula or special interpre-  
2 tation, the conspirators were not yet ready to con-  
3 fess to their actual policy.

4 G-21. Shortly after the outbreak at Marco Polo  
5 Bridge the conspirators added several new elements to  
6 their interpretation of the treaty system, so that the  
7 conduct of Japan might be construed as being per-  
8 missible within the provisions of the treaties. On  
9 August 13, 1937, through the Japanese Embassy, con-  
10 currence in the principles for maintaining world peace  
11 as set forth by Hull in his statement of July 16 was  
12 expressed with the interesting proviso that the ob-  
13 jectives of these principles could only be attained  
14 in the Far East by fully recognizing and practically  
15 considering the actual, peculiar circumstances of that  
16 region.<sup>a</sup> On October 27, 1937, HIROTA, having re-  
17 ceived on October 20 the invitation of the Belgian  
18 Ambassador to a meeting of the signatory powers of  
19 the Nine Power Treaty, declined the invitation since  
20 it was based on the declaration of the League of  
21 Nations that the military operations of Japan in China  
22 violated the Nine Power Treaty. The new formula  
23 adopted was that Japan's action was a measure of self-  
24 G-21. a. Ex. 951, T.9437.  
25

1 defense which Japan had been compelled to take in view  
 2 of China's anti-Japanese policy and practice, and  
 3 therefore was outside the Nine Power Treaty.<sup>b.</sup> While  
 4 Japan still steadily maintained its allegiance to the  
 5 treaty system, this reply for the first time expressed  
 6 dissatisfaction with it by pointing out that to  
 7 attempt to seek a solution with so many powers, with  
 8 varying degrees of interest in Asia, would only com-  
 9 plicate the situation and put obstacles in the path  
 10 of a just solution.

11 G-22. On January 16, 1938, the Japanese  
 12 government made its formal announcement that it would  
 13 thereafter cease to deal with the government of China  
 14 and looked forward to the establishment and growth of  
 15 a new Chinese regime which could be counted upon and  
 16 with which Japan would fully cooperate. Yet, notwith-  
 17 standing this direct treaty violation, the statement  
 18 went on to say that this action involved no change in  
 19 policy respecting Chinese territorial integrity and  
 20 sovereignty or the rights and interests of others.<sup>a.</sup>  
 21 The conspirators were still ostensibly paying allegiance,  
 22 if only lip service, to the treaty system.

23 G-23. Shortly after this previous announce-  
 24

25 G-21. b. Ex. 954-A, T.9444-5;

Ex. 954-B, T.9446-50

G-22. a. Ex. 972-A, T.9506-7



1 ment. Premier KONOE announced on January 22, 1938,  
2 that it was Japan's inevitable national aim to bring  
3 permanent peace to East Asia based on close coopera-  
4 tion between Japan, Manchukuo and China and that there  
5 would be a comprehensive industrial scheme for these  
6 three nations.<sup>a.</sup> However, on the same day Foreign  
7 Minister HIROTA in the same Diet Session stated that  
8 Japan had no territorial ambitions in China, did not  
9 desire to cut off North China and only wanted China to  
10 collaborate for the prosperity of both. He then  
11 proceeded to state that Japan would not only allow to  
12 the fullest the rights and interests of other powers  
13 in occupied areas, but would leave the door open to  
14 all powers for cultural and economic cooperation.  
15 However, he hoped that the powers, recognizing the new  
16 conditions prevailing and appreciating the propriety  
17 of Japan's present and future demands would cooperate  
18 to establish a new order in the Far East.<sup>b.</sup> Through-  
19 out the year 1938, both Foreign Ministers HIROTA and  
20 UGAKI continued to assure the United States that Ameri-  
21 can interests in China would be respected and the  
22 principles of the open door and equal opportunity  
23 would be maintained.<sup>c.</sup>

24  
25 G-23. a. Ex. 972F, T. 9516-20  
b. Ex. 972G, T. 9522-6  
c. Ex. 973, T. 9534-5

1           G-24. At the end of 1938, upon the appoint-  
2           ment of ARITA as Foreign Minister, a new approach  
3           was introduced. In replying to a note from Ambassa-  
4           dor Grew, which admittedly possessed an important  
5           bearing on the Nine Power Pact, it was decided to  
6           avoid all phraseology that would affirm the pact's  
7           principles, to make the United States understand that  
8           the existing rights and interests of third powers  
9           would be respected, but not as a corollary of the  
10          pact, and to make it understood that the standard  
11          laws governing the future economic activities by third  
12          powers in China were to be established in conformity  
13          with the new conditions.<sup>a.</sup> The Japanese reply of  
14          November 18, 1938, made no mention of the Nine Power  
15          Pact, but pointed out that permanent peace could not  
16          be gained on ideas or principles in their original  
17          form as applied to pre-incident conditions.<sup>b.</sup> In this  
18          answer, for the first time, Japan ceased to avow her  
19          ostensible allegiance to the treaty system, although  
20          she continued to maintain she was paying allegiance  
21          to its underlying principles. On November 19, 1938,  
22          ARITA told Dooman that there had in fact been no  
23          change in policy. While his predecessors had assured

24          G-24. a. Ex. 989, T. 9573-8  
25                b. Ex. 989, T. 9576

1 the United States that Japan would respect the prin-  
2 ciple of the open door, the assurances were not in-  
3 tended to be unconditional since Japan could no  
4 longer unqualifiedly undertake to respect that policy.  
5 They had not acted in bad faith, but were attempt-  
6 ing to do the impossible - reconcile the open door  
7 with Japan's needs and objectives.<sup>c.</sup> Again, on Novem-  
8 ber 21, when Grew met ARITA, the latter told him that  
9 it was impossible for Japan to recognize the uncon-  
10 ditional application of equal opportunity and the open  
11 door when the state of affairs had changed in China.  
12 He went on to assert that Japan's "Open Door Policy"  
13 and "Principles of Equal Opportunity" might clash  
14 with the rights and interests of third powers, and  
15 implied that measures necessary to foster a closer  
16 relationship between Japan and China and to insure  
17 their existence, might necessitate at times eliminat-  
18 ing the application of these principles to some ex-  
19 tent.<sup>d.</sup> On December 8, 1938, Grew was informed that  
20 the Far Eastern Treaties hampered peace and universal  
21 prosperity.<sup>e.</sup> No move however was made to openly  
22 repudiate the treaties.

23  
24 G-24. c. Ex. 987, T. 9565-7  
25 d. Ex. 989, T. 9581-2  
e. Ex. 989, T. 9583-4



1           G-25. The policy announced as Japan's policy  
2 in November and December 1938 did not fully close the  
3 hiatus between her professed and actual policies.  
4 So far as the Western Powers were concerned, Japan never  
5 fully admitted that she wanted to get out of the  
6 treaty system. It was only to a fellow German con-  
7 spirator that this fact was admitted, when on July  
8 8, 1940, KURUSU and SATO told Ribbentrop that Japan's  
9 fundamental policy was and had been secession from  
10 the Nine Power Treaty system and that her object for  
11 the past nine years had been the establishment of a  
12 new order in China, that is to say, the building up  
13 of a new China seceded from the Washington Treaty  
14 system and in friendly relations with Japan.<sup>a.</sup>

15           Your Honor, Mr. Oneto will continue.

16           THE PRESIDENT: Mr. Oneto.

17           MR. ONETO: If the Court please:

18           2. AGGRESSION AGAINST THE WESTERN POWERS  
19  
20 PRIOR TO DECEMBER 8, 1941.

21           G-26. By the end of 1938, the conspirators  
22 were ready to take the first step to expand beyond the  
23 borders of China. The first movement was into French  
24 territory. For geographically strategic reasons it

25           G-25. a. Ex. 524, T. 6183-4

1 was necessary for the success of the conspiratorial  
2 plan of expansion and aggression that the move be made  
3 in this direction. French Indo-China occupies, as  
4 may be seen from any map, a strategic position of the  
5 highest importance. Her northern frontier skirts the  
6 southern frontier of China, and joins that country  
7 with Siam and Burma, thus establishing a line of  
8 communication with Peiping, Hankow, Canton, Hanoi and  
9 Bangkok. Strategically, it also forms an excellent,  
10 if not vital, base for military operations against  
11 Malaya, Singapore, the Netherlands East Indies and  
12 the Philippines. In addition, Indo-China is rich in  
13 the natural resources vital to the prosecution of war.  
14 As early as January 1938, the movement into French  
15 territory was being considered by the conspirators.  
16 On January 17, 1938, HIROTA, at the time of breaking  
17 off peace discussions with China, advised Germany  
18 that an advance on Hainan Island, a Chinese possession  
19 of strategic value in the move to the South, was not  
20 being planned for the time being,<sup>a.</sup> thus making clear  
21 to Germany such an advance would be made at a time  
22 deemed proper. At the end of 1938, the proper time  
23 was deemed to have arrived. On November 3, 1938,  
24  
25 G-26. a. Ex. 486G, T. 5999.

1 KONOE issued his declaration that Japan's ultimate  
2 aim was to establish a new order which would secure  
3 eternal peace and that completion of this task was  
4 Japan's glorious mission.<sup>b.</sup> As a start toward the ful-  
5 fillment of this mission, on November 25, 1938, it  
6 was decided by the Five Ministers Conference that  
7 Hainan Island would be captured by military action  
8 in case of necessity.<sup>c.</sup> On February 10, 1939, Hainan  
9 Island was captured in a surprise attack by combined  
10 Japanese naval and military forces.<sup>d.</sup> This first step  
11 in Japanese military aggression in the areas south of  
12 China proper and in the South Seas was shortly followed  
13 by the occupation of the Spratley Islands, lying off  
14 the coast of French Indo-China, on March 30, 1939, and  
15 the placing of them under the jurisdiction of the  
16 government of Taiwan.<sup>e.</sup> Previously, the Foreign Office  
17 had announced that this was done to avoid unnecessary  
18 developments with France.<sup>f.</sup>

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23 G-26. b. Ex. 1291, T. 11695-7  
24 c. Ex. 612, T. 6731  
25 d. Ex. 613A, T. 6733  
e. Ex. 512, T. 6145-6  
f. Ex. 512, T. 6147.



1 G-27. The passage of alleged war materials  
 2 through Indo-China to Chiang Kai-shek gave rise to pro-  
 3 test from the Japanese government at various times in  
 4 1938, 1939 and 1940. Notwithstanding the fact that Japan  
 5 admitted that she was fully aware that since war had not  
 6 been declared by either Japan or China, France was not  
 7 legally obligated to suspend the traffic of commodities  
 8 consigned to China, and notwithstanding the fact that  
 9 France had assured Japan that she had prohibited the  
 10 transportation of weapons and ammunition to China, al-  
 11 though not obligated to do so, and there was no evidence  
 12 that such materials were being transported, Japan insisted  
 13 that all shipments to China be stopped. France failed to  
 14 comply with Japan's demands.<sup>a</sup> Since the Foreign Ministry  
 15 at the end of 1938 had stated that it considered there  
 16 was no objection in international law to the bombing of  
 17 the Yunnan Railway if the army and navy required it from  
 18 an operational standpoint,<sup>b</sup> Japan decided to take  
 19 determined steps from a political standpoint irrespective  
 20 of legal argument of the existence of a legal obligation.<sup>c</sup>  
 21 Beginning in the latter part of 1939 and continuing  
 22 through early 1940, the Japanese frequently bombed the  
 23 Yunnan Railway.<sup>d</sup> Even after France had promised in

25 (G-27. a. Ex. 616-A, T. 6802-6815; Ex. 618-A, T. 6844-8.

b. Ex. 616-A, T. 6803-4.

c. Ex. 618-A, T. 6847.

d. Ex. 618-A, T. 6847-8.)

March, 1940, to suspend shipments of gasoline and trucks  
1 for a month while negotiating with Japan, Japan concluded  
2 that negotiations were impossible and began bombing the  
3 railroad again in April.<sup>e.</sup>

4 G-28. At about the same time Japanese plans in  
5 the South Seas were also being manifested with respect  
6 to the Netherlands East Indies and New Guinea. In the  
7 East Indies Japan had built and was building an exten-  
8 sive system of organizations for espionage and general  
9 underground activity.<sup>a.</sup> An agent in British Penang  
10 working under the Overseas Intelligence Bureau reported  
11 to his supervisor HAYASHI, President of the South Seas  
12 Association in Batavia, that the activities of the Bureau  
13 had been redoubled toward realizing the great plan for  
14 the domination of East Asia, and that in accordance with  
15 his instructions to intensify his activities he had con-  
16 tacted his comrades in Siam. He expected that the work  
17 would increase in seriousness now that HAYASHI, his  
18 correspondent, an experienced diplomat and head of  
19 intelligence, had arrived. In accordance with orders  
20 they had decided to use large amounts of money in the  
21 near future to corrupt the soldiers and the people to  
22 organize a Fifth Column to be ready when the fighting  
23

24 (G-27. e. Fx. 618-A, T. 6849.

25 (G-28. a. Ex. 1325, T. 11885-91; Fx. 1326-A, T. 11895-9;  
Fx. 1326-B, T. 11900-3; Fx. 1326-C, T. 11905-6;  
Fx. 1326-D, T. 11906-10; Fx. 1326-E, T. 11911-5

b. began. In May, 1939, the Branch Manager of the South-  
west Development Company reported the progress of Japanese enterprises in the Netherlands East Indies. He stated that Japanese requirements could not be satisfied by the mandated territories only, and that the next important problem had to be met by the expansion of Japan in Great New Guinea for which the time was rapidly and silently approaching when the company should be taking an active part. c.

On January 12, 1940, Japan abrogated the Treaty of Judicial Settlement, Arbitration and Conciliation between herself and the Netherlands. Under this treaty the parties were bound not to seek settlement of any dispute of any character by other than peaceful means and a permanent arbitration committee had been set up to decide any dispute which the parties had not succeeded in solving by normal diplomatic means. Following its denunciation by Japan the treaty became void in August, 1940. d.

G-29. The statements of the conspirators during this period make it clear that these events in the South Seas from 1938 to early 1940 were not isolated incidents resulting from the conflict with China, but that they had broader implications and were planned steps in Japan's

(G-28. b. Ex. 1376-A, T. 11911-5.  
c. Ex. 1326-D, T. 11906-10.  
d. Ex. 52, T. 11764-7; Ex. 1307-A, T. 11768-9.)



larger program of expansion. In September, 1939, OSHIMA  
1 advised in favor of military aggression in the southern  
2 areas of Greater East Asia and against Hongkong for which  
3 the Japanese Navy was prepared, and proposed Japan tear  
4 the Netherlands from England so as to be able to exploit  
5 the raw materials of the East Indies.<sup>a.</sup> At about the  
6 same time General TERAUCHI admitted to German represent-  
7 atives that it was in Japan's best interest to bring to  
8 a peaceful settlement the war with China and to utilize  
9 the strength of the Japanese army and fleet in the South  
10 Seas, where economically greater benefits were to be  
11 gained.<sup>b.</sup>  
12

13 G-30. With the intensification of war in  
14 Europe in May and June, 1940, the conspirators took full  
15 advantage of the situation presented to push their plans  
16 for the areas south of China. In February, 1940, Japan  
17 had presented to the Netherlands a list of economic  
18 demands which would have secured for Japan a preferential  
19 position in the general economic life of the Netherlands  
20 East Indies.<sup>a.</sup> Even before the war in Europe had spread  
21 to the Netherlands, on April 15, 1940, Foreign Minister  
22 ARITA had publicly announced that Japan was intimately  
23 bound economically to the South Seas regions, especially  
24 (G-29. a. Ex. 509, T. 6136-7.  
25 b. Ex. 510, T. 6138.  
G-30. a. Ex. 1309-A, T. 11780.)

1 the Netherlands Indies, and if the European war spread  
 2 to the Netherlands and there were repercussions in the  
 3 East Indies, they would interfere with the maintenance  
 4 and furtherance of co-prosperity and co-existence.<sup>b.</sup> On  
 5 May 10, 1940, Germany invaded Belgium, Luxembourg and the  
 6 Netherlands. On May 11, 1940, the Japanese Foreign  
 7 Office issued a statement that the status quo of the  
 8 Netherlands East Indies should not be changed, and ex-  
 9 pressed to the belligerent countries, as well as to the  
 10 United States, Japan's concern about the position of the  
 11 Netherlands Indies.<sup>c.</sup> In reply England, France and the  
 12 United States gave their assurances to continue to  
 13 respect the status quo in the Netherlands Indies.<sup>d.</sup>  
 14 Despite Japan's unequivocal pledge to respect this  
 15 status quo, persistent rumors and press releases emanated  
 16 from Tokyo to the effect that no such commitment had been  
 17 given. When this was called to the attention of the Japa-  
 18 nese Ambassador in Washington by Secretary Hull on May  
 19 16, 1940, the former assured Hull that Japan was satis-  
 20 fied with the situation and she had no intention to raise  
 21 any further controversy about the matter unless the  
 22 British or French should land troops to protect the  
 23 Netherlands Indies.<sup>e.</sup> However, at the same time as these  
 24 (G-30. b. Ex. 1284, T. 11672-3.  
 25 c. Ex. 1285, T. 11675.  
 d. Ex. 1286, T. 11676-8; Ex. 1287, T. 11679-80.  
 e. Ex. 1288, T. 11681-5.)

1 assurances were being made in Washington, the Japanese  
 2 Ambassadors in Berlin were seeking a German declaration on  
 3 the subject, and on May 22, 1940, Japan was advised by  
 4 Germany that she was disinterested in the Netherlands  
 5 East Indies, a declaration which was deemed to have given  
 6 to Japan a carte blanche and a pledge of support in the  
 7 future.  
 8

9 G-31. Having thus assured themselves that the  
 10 belligerents and the United States would not interfere  
 11 with the Netherlands Indies and would therefore be in no  
 12 position to oppose Japan's moves in that direction, the  
 13 conspirators then turned their immediate attention to  
 14 French Indo-China. On June 17, 1940, France asked  
 15 armistice terms of Germany. On June 18, 1940, a decision  
 16 was reached at a Four Ministers Conference that a request  
 17 be submitted to Indo-China regarding discontinuance of  
 18 assistance to Chiang Kai-shek, and in the event of  
 19 refusal by the French, that force be used.<sup>a.</sup> On the  
 20 following day Japan asked Germany for a declaration by  
 21 which Japan would receive a free hand in Indo-China.<sup>b.</sup>  
 22 On that same day, June 19, 1940, strong representations  
 23 were made to the French Ambassador with regard to the  
 24 prohibition of transportation through Indo-China of

25 (C. 20. f. Ex. 517, T. 6157-8; Ex. 518, T. 6159;  
 Ex. 519, T. 6161.  
 G-31. a. Ex. 619, T. 6824.  
 b. Ex. 520, T. 6162.)



1 materials in aid of the Chunking regime, and the consent  
2 of the French government to the dispatch of Japanese  
3 inspectors was demanded for the purpose of making inves-  
4 tigations of actual conditions on the spot.  
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(G-31. c. Ex. 615-A, T. 6796-7.)

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G-32. The fact that Japan was vitally  
1 interested in and had plans in connection with both  
2 the Netherlands East Indies and French Indo-China was  
3 made clear to Germany on June 21, 1940. In a conver-  
4 sation between MUTO and the German military attache,  
5 MUTO officially on behalf of the army advised that  
6 the army would welcome German mediation in the China  
7 conflict and in that connection Japan was very  
8 much interested in Indo-China.<sup>a.</sup> On the same day  
9 KOISO, then Minister of Overseas Affairs, inquired of  
10 the German Ambassador as to Germany's attitude toward  
11 military activity of Japan in Indo-China and in part  
12 of the Netherlands Indies. When the Ambassador re-  
13 plied that Germany had already expressed her dis-  
14 interest in the Netherlands Indies and would probably  
15 raise no objections to Japanese action in Indo-China,  
16 provided Japan would obligate herself to tie America  
17 down in the Pacific, perhaps by a promise to attack  
18 Hawaii and the Philippines in the event of war between  
19 Japan and the United States, KOISO stated that the  
20 realization of Japan's colonial wishes in Indo-China  
21 and the Netherlands Indies would make Japan economic-  
22 ally independent of America and would offer to the  
23 expected KONOYE Government a promising starting point  
24  
25 G-32. a. Ex. 523, T. 6175

b.

to settle the China Incident. The latter inquiry  
 1 and statement by KOISO, particularly with reference  
 2 to the Netherlands Indies, demonstrates clearly that  
 3 Japan's actual policy was directly in conflict with  
 4 the Foreign Minister's statement to Grew on June 10,  
 5 1940, that Japan entertained no territorial ambitions  
 6 with regard to the Netherlands East Indies. <sup>c.</sup> Any  
 7 uncertainty as to Japan's immediate plans was dissi-  
 8 pated when on July 1, 1940, Japan refused to enter  
 9 into a treaty with the United States designed to main-  
 10 tain the status quo in the Pacific and prevent force-  
 11 ful changes. <sup>d.</sup> KIDO recorded that ARITA stated it  
 12 was inadvisable at this time to have Japan's activi-  
 13 ties, including those in the Netherlands Indies, re-  
 14 stricted. <sup>e.</sup>

16 G-33. With the advent of the second KONOYE  
 17 Cabinet not only was there an orientation of Japan's  
 18 Axis policy in the direction of closer collaboration  
 19 with Germany, as has already been seen, but also there  
 20 was exhibited a marked determination to go forward  
 21 with the policy of southern expansion. In the import-  
 22 ant cabinet decision of July 26, 1940, the basic aim  
 23 of Japan's national policy was defined as the firm

24 G-32. b. Ex. 523, T. 6175-6 c. Ex. 1014, T. 9669  
 25 d. Ex. 1092, T. 11,702; Ex. 1293, T. 11,706-7;  
 Ex. 1296, T. 11,712.  
 e. Ex. 1294, T. 11708-9; Ex. 1295, T. 11710-11



1 establishment of world peace in accordance with Hakko-  
2 Ichiu, and in the construction, as the first step, of  
3 a new order in Greater East Asia with Japan, Manchukuo  
4 and China as the foundation. Establishment of a  
5 Japanese economic self-sufficiency policy making the  
6 three countries a single unit and embracing the whole  
7 of Greater East Asia was advocated. A complete pro-  
8 gram for the establishment of a completely militarized  
9 totalitarian state was formulated. <sup>a.</sup> At the Liaison  
10 Conference of July 27, 1940, in addition to the  
11 adoption of policies toward Germany, Italy, the  
12 Soviet Union and the United States, it was decided to  
13 settle the southern problem within limits so as not  
14 to cause a war against a third power and to strengthen  
15 the diplomatic policy toward the Netherlands Indies in  
16 order to obtain imported materials. <sup>b.</sup> Couching the  
17 plan in idealistic phraseology, MATSUOKA stated on  
18 August 1, 1940, that the immediate aim of Japan's  
19 foreign policy at that time was to establish a great  
20 East Asian chain of common prosperity with the Japan-  
21 Manchukuo-China group as one of the links. <sup>c.</sup> That  
22 this policy involved ultimately the use of military  
23 operations in execution of the plan for the South Seas

24 G-33. a. Ex. 541, T. 6271  
25 b. Ex. 1316, T. 11,794-5  
c. Ex. 1297, T. 11,716

is apparent from the statement on August 10, 1940, of Prince FUSHIMI, Chief of the Navy General Staff, to the Emperor that the navy at present wished to avoid the use of force against the Netherlands Indies and Singapore and that, since at least eight months were needed for preparation after a decision for war was made, the later war came the better.<sup>d.</sup> This was a plain indication that Japan would resort to war to attain her aims when her preparation for war were completed.

G-34. The new national policy was immediately reflected in the determination of the economic demands to be made by Japan on the Netherlands Indies. On July 16, 1940. Japan had notified the Netherlands that it was sending to the Netherlands Indies a delegation comprising diplomatic, military and naval experts for economic negotiations. KOISO had been designated as chief delegate, but when he proved to be unacceptable to Holland, he was replaced by KOBAYASHI,<sup>a.</sup> Minister of Commerce and Industry. By August, 15, 1940, alternative demands had been drafted for use by the delegation, the first being more moderate than the second, apparently to enable the delegation to act

G-33.

d. Ex. 1298, T. 11718

G-34.

a. Ex. 1309A, T. 11796-7

1 in accordance with the changing situation. The first  
2 proposal asked that the Netherlands as a member of the  
3 Co-Prosperity Sphere give preferential treatment to  
4 Japan, have an open door policy toward Japan, allow  
5 Japan to exploit and develop certain natural resources  
6 and industries, change its policies on Japanese and  
7 Chinese newspapers, and exercise supervision over all  
8 newspapers. The second proposal demanded that since  
9 the Netherlands Indies with its rich resources was  
10 within the Co-Prosperity Sphere, the Netherlands Indies  
11 should cooperate and should cut off relations with  
12 Europe and take a position as a member of the sphere,  
13 allow self-government by Indonesians and conclude a  
14 joint defense agreement with Japan to maintain peace  
15 in the sphere. Specifically it demanded that the  
16 Japanese be given the same rights in all things as en-  
17 joyed by the citizens of the Netherlands Indies and  
18 that all restrictions on the export of goods, espec-  
19 ially those needed by Japan, be abolished. The  
20 alternative demands were reported on August 27 to  
21 KOBAYASHI.<sup>c.</sup>

22 G-35. The new policy was likewise immediately  
23 reflected in the demands made on France and French

24 G-34.

25 b. Ex. 1311, T. 11798-11812  
c. T. 25290-1



Indo-China. On August 1, 1940, MATSUOKA presented to  
1 the French Ambassador Japan's proposal that Indo-  
2 China cooperate with Japan in political, military and  
3 economic affairs for the establishment of Japan's new  
4 order in East Asia and to foster settlement of the  
5 China Incident. The political and military coopera-  
6 tion requested was the right of passage of Japanese  
7 troops through Indo-China, the utilization by the  
8 Japanese army of air bases and the supply of all  
9 necessary facilities for the transportation of arms,  
10 ammunition and other materials for Japanese troops in  
11 Indo-China. The acceptance of these demands was  
12 characterized by the French Ambassador as being the  
13 equivalent of a declaration of war by Indo-China  
14 against China.<sup>a.</sup> In the negotiations that followed  
15 Japan made full use of the power and influence of  
16 Germany. On August 2, 1940, MATSUOKA asked Germany  
17 not to interfere with Japan's desires in Indo-China  
18 and to exert her influence on France.<sup>b.</sup> On August  
19 15, 1940, MATSUOKA threatened France with military  
20 action if the decision to grant Japan's demands con-  
21 tinued to be delayed,<sup>c.</sup> and requested Germany to sup-  
22 port her demands against Indo-China by influencing  
23  
24

25 G-35. a. Ex. 620, T. 6886-7  
b. Ex. 622, T. 6955-7  
c. Ex. 620, T. 6911-2

d.

France. Finally, on August 30, 1940, MATSUOKA and  
the French Ambassador concluded the MATSUOKA-Henry  
Agreement by which Japan's demands were substantially  
granted. The agreement specified for Tonking Province  
the number of airfields and the approximate number of  
Japanese troops to be stationed there and for their  
course of passage through the province, but various  
details were left to negotiations on the spot between  
the Governor-General of Indo-China and General  
NISHIHARA.<sup>e.</sup>

G-35.

d. Ex. 547, T. 6296

e. Ex. 620, T. 6919-24

1 G-36. On August 31, 1940, NISHIHARA began  
2 negotiations on the spot with the Governor-General of  
3 Indo-China, as contemplated by the agreement. Failing  
4 to reach an agreement due to delay in receipt of the  
5 French instructions, NISHIHARA on September 3, 1940,  
6 gave notification that Japan's residents would be  
7 withdrawn from the area and delivered an ultimatum  
8 that the Japanese army would advance into Indo-China  
9 after September 5, if prompt acceptance of Japan's  
10 demands was not had. On September 4, an agreement  
11 was signed but all details were not settled.<sup>a</sup> On  
12 September 6, 1940, before the details were completed,  
13 a unit of the Japanese army advanced into Indo-China.  
14 NISHIHARA contended that this arbitrary decision was  
15 taken by a front-line unit which did not know of the  
16 conclusion of the military agreement. Negotiations  
17 were temporarily suspended on the ground that the inci-  
18 dent was in contravention of the pact.<sup>b</sup> On September  
19 16, 1940, the Vice-Minister of Foreign Affairs  
20 advised the French Ambassador that the Japanese army  
21 would move into Indo-China at any moment without waiting  
22 for an agreement. An agreement was then reached on  
23 some matters, but a wide difference of opinion con-  
24 tinued to exist. On September 19, 1940, the French  
25

G-36.

a. Ex. 620, T. 6925-9. b. Ex. 620, T. 6929.



1 Ambassador was informed that Japanese forces would  
 2 move into Tongking Province at any time after zero  
 3 hour September 23, 1940, whether the agreement on  
 4 details was concluded or not.<sup>c.</sup> Neither the explosive  
 5 character of this ultimatum nor Japan's previous  
 6 pledge escaped the attention of third powers. On  
 7 September 20, 1940, the United States by communica-  
 8 tions both in Washington and in Tokyo, made it clear  
 9 to Japan that the threat of action was completely  
 10 contrary to the official Japanese utterances that  
 11 Japan was in favor of maintaining the status quo in  
 12 the Far East, and that the United States would regard  
 13 the movement of Japanese troops into Indo-China as  
 14 an infringement of the status quo which Japan was  
 15 pledged to preserve.<sup>d.</sup> Realizing the isolation of  
 16 France,<sup>e.</sup> Japan decided to seize this opportunity.  
 17 Japanese troops crossed the French Indo-China border  
 18 on September 22, 1940, even though the negotiations  
 19 continued.<sup>f.</sup> On the following day, France submitted  
 20 to Japanese coercion and a final agreement was signed.<sup>g.</sup>

22 At this time a few lines will be inserted.

23 At the same time the invading forces, using

24 G-36.

25 c. Ex. 620, T. 6929-33. f. Ex. 620, T. 6933;  
 d. Ex. 623, T. 6958-62. Ex. 621, T. 6830;  
 e. Ex. 625, T. 6969-70; Ex. 3865, T. 38581-5;  
 Ex. 618A, T. 6868-9. Ex. 3851, T. 38581-2.

g. Ex. 620, T. 6933.

1 artillery, tanks and bombs, were fighting the French  
2 forces. On the 25th of September all the French  
3 positions being taken or encircled the battle ended.  
4 However, on September 26 the city of Haiphong was  
5 bombed by the Japanese army: civilian population  
6 killed or injured.

7 Having forced from the French the right to  
8 station 32,000 troops in Indo-China,<sup>h</sup> Japan had now  
9 obtained its first continental foothold in Southeast  
10 Asia and an excellent base for further expansion  
11 both on the continent and in the South Seas.

12 G-37. Although the conspirators tried to  
13 hide their real reason for moving into Indo-China,  
14 they completely failed. When on September 20, 1940,  
15 Grew had protested Japan's ultimatum to the Governor-  
16 General, MATSUOKA had stated that the purpose of the  
17 move was to attack Chiang Kai-Shek and bring peace to  
18 China and that when hostilities ceased, the troops  
19 would be withdrawn.<sup>a</sup> However, on the same day, the  
20 Japanese Ambassador in Washington told Sumner Welles  
21 that the occupation was in all likelihood being under-  
22 taken not only to expedite the conclusion of the China  
23 Affair as a temporary measure with no thought of

24 G-36.

h. Ex. 625, T. 6969-70.

25 G-37.

a. Ex. 624, T. 6966.

1 permanent occupation, but also to prevent Germany  
2 from occupying French, British and Dutch possessions  
3 in the Far East.<sup>b</sup> While the Ambassador's second  
4 reason for the occupation was so obviously ridiculous  
5 that Welles stated diplomatically that he doubted the  
6 sincerity of that argument,<sup>c</sup> the Ambassador's state-  
7 ment had made it obvious that Japan had a reason  
8 other than concluding the China Incident for the move  
9 into Indo-China, a reason which it was not too hard to  
10 guess.

11 G-38. Before the movement of troops had  
12 begun on September 23, the conspirators had already  
13 formally defined their real purpose. The decisions  
14 of the cabinet of September 4 and of the Liaison  
15 Conference of September 19 had already been made.  
16 Those decisions had determined that the sphere of  
17 Japan's new order was to include the Mandated Islands,  
18 French Indo-China, the Pacific Islands, Thailand,  
19 British Malaya, British Borneo, the Netherlands East  
20 Indies, Burma, Australia, New Zealand, India and other  
21 countries, but for the present only the region from  
22 Burma eastward and New Caledonia northward, containing  
23 the Netherlands Indies, would be included.<sup>a</sup>

24 G-37.

b. Ex. 623, T. 6960-1.

c. Ex. 623, T. 6961.

G-38.

a. Ex. 541, T. 6314-5.



1 Immediately after the troop movement, on September 28,  
2 1940, it was decided as Japan's foreign policy that  
3 all the areas in the limited sphere plus the Philip-  
4 pines with Japan, Manchukuo and China as the center  
5 would comprise a sphere in which politics, economy  
6 and culture were combined. Japan would try to con-  
7 clude with Indo-China and the Netherlands Indies a  
8 comprehensive economic agreement while planning  
9 political coalitions. With Thailand, Japan would  
10 strengthen mutual assistance and coalition in politi-  
11 cal, economic and military affairs.<sup>b.</sup>

12 G-39. By October 4, 1940, the plan with  
13 respect to the southern regions had been worked out  
14 in some detail which clearly set forth Japan's entire  
15 aggressive program. The object of Japan's penetration  
16 into the southern regions would cover in the first  
17 stage the whole area west of Hawaii, excluding for  
18 the time being the Philippines and Guam. They must  
19 first control Indo-China, the Netherlands Indies,  
20 Burma and the Straits Settlements and then gradually  
21 advance into other areas, the advance into Guam and  
22 the Philippines depending upon the attitude of the  
23 United States. The document then goes into detail

24  
25 G-38.

b. Ex. 628, T. 6976.

1 as to the steps to be taken in regard to each country,  
2 the strategy to be followed in the military conquest,  
3 and the future disposition of the territory which  
4 Japan would thus acquire. The provisions with respect  
5 to Indo-China are illustrative of the character and  
6 scope of Japan's plans for all the areas. In Indo-  
7 China, Japan would maneuver an independence movement  
8 and make France renounce sovereignty. Some of the  
9 area would be independent, but certain of Indo-Chinese  
10 areas would be handled by and be subject to China if  
11 the latter made peace, and another portion would be  
12 handled by and be subject to Thailand. If China did  
13 not make peace, Japan would manage the matter after  
14 the China battle line was established or when Germany  
15 landed on the British mainland. With these various  
16 areas Japan would have a protective treaty under the  
17 title of a military and economic alliance giving  
18 Japan the real power and strategic points in each  
19 area. The right of enterprise of third-power nationals  
20 would be respected, provided they followed Japan's  
21 instructions in developing resources and disposing  
22 of products.<sup>a</sup> Defense witness SATO attempted to  
23 attack the validity of this document, but on cross-  
24  
25

G-32.

a. Ex. 628, T. 6977-8.

1 examination admitted that he considered the certifi-  
2 cation of the document as a Foreign Office instrument  
3 by his superior as accurate.<sup>b</sup> While thus admitting  
4 that it was a genuine Foreign Office document, he  
5 attempted to leave the impression that the policy  
6 outlined was not adopted by responsible officials.  
7 It is submitted that where there is a plan, which  
8 is admittedly a government document found in a  
9 government office, and it has been shown that subse-  
10 quent events followed the course prescribed in the  
11 plan, there is an almost conclusive inference that  
12 the plan was adopted and that the actions taken were  
13 carried out pursuant thereto. Events clearly show  
14 that the conspirators immediately began to put the  
15 policy determined into effect with respect to the  
16 Netherlands Indies and French Indo-China.  
17

18 G-40. In the middle of September 1940, the  
19 KOBAYASHI delegation arrived in Batavia. Almost from  
20 the beginning KOBAYASHI realized that Japan's demands  
21 would not be met and other measures would be necessary.  
22 On September 13, 1940, he reported that it was not  
23 much use to negotiate with the Governor-General, since  
24 the latter was concerned with diplomatic formulas and  
25

G-32.

b. T. 26,901-2.



1 did not realize that the situation was so serious that  
2 the existence of the Netherlands Indies would be in  
3 danger if he continued such activity.<sup>a</sup> On October  
4 18, 1940, he informed MATSUOKA that it was urgent  
5 to bring the Netherlands Indies within the sphere in  
6 order to establish the Co-Prosperity Sphere, and to  
7 that end Japan must completely equip overseas organ-  
8 izations and establish facilities to enlighten both  
9 the people of Japan and the Indies.<sup>b</sup> The first task  
10 of the mission was to purchase three million odd tons  
11 of oil and to acquire large areas for oil concessions.<sup>c</sup>  
12 The purpose of this first step was not only to acquire  
13 oil, a vitally necessary war material, but also to  
14 acquire areas where Japanese planes and disguised  
15 troops could enter in large numbers, thus making the  
16 area a strategic base for military operations against  
17 the Dutch.<sup>d</sup> Attempts were also made to buy other  
18 materials with the primary purpose of supplying  
19 Germany.<sup>e</sup> When the Netherlands asked for assurance  
20 that these goods not be delivered to her enemy Germany,  
21 Japan denied the intention to use them for that

23 G-40.

24 a. Ex. 1312, T. 11814.

24 b. Ex. 1313, T. 11817-8.

25 c. Ex. 1314, T. 11821-2; Ex. 1315, T. 11823-5;

Ex. 1316, T. 11835-7.

d. Ex. 1316, T. 11836.

e. Ex. 597, T. 6628-9.

purpose, but refused to give the guarantee.<sup>f.</sup> The  
 1 delegations met from October 14 to 16, 1940, but the  
 2 negotiations became stalled shortly thereafter when  
 3 KOBAYASHI left for Japan after certain proposals were  
 4 accepted.<sup>g.</sup>

5 G-41. The return of KOBAYASHI to Japan and  
 6 to his work as a Cabinet Minister coincided with the  
 7 adoption of a stronger policy towards the Netherlands  
 8 Indies by the cabinet. On October 25, 1940, the cabinet  
 9 decided upon a program by which Japan would take over  
 10 virtual control of the whole economic and political  
 11 life of the Netherlands Indies. It decided that the  
 12 first measures taken would be: liquidating the  
 13 economic relations of the Indies with Europe and  
 14 America; seeking of preferential treatment for Japan;  
 15 placing under Japanese control the production and  
 16 export of essential war materials; placing exchange  
 17 control under Japan's guidance; liquidating foreign  
 18 financial holdings; and placing the formulation and  
 19 execution of all economic policies under the control  
 20 of a joint Japanese-Netherlands Economic Commission.<sup>a.</sup>  
 21 The acceptance of these demands would have resulted  
 22 in the full establishment of Japanese control over the  
 23  
 24

25 G-40.

f. Ex. 1321, T. 11869-70.  
 g. Ex. 1309A, T. 11826-29.

G-41.

a. Ex. 1317,  
 T. 11838-42.

## Netherlands Indies.

1           G-42. In the meantime, the negotiations in  
2 Batavia were still deadlocked and the Netherlands  
3 recommended their discontinuance. However, on  
4 November 20, 1940, YOSHIZAWA was appointed special  
5 envoy to reactivate the proceedings.<sup>a</sup> On January 16,  
6 1941, YOSHIZAWA presented to the Netherlands East  
7 Indies a list of Japan's demands which were in sub-  
8 stance the points decided by the cabinet in October.<sup>b</sup>  
9 It soon became apparent that the demands would not be  
10 accepted. On February 3, 1941, the Netherlands East  
11 Indies replied politely and firmly rejecting the  
12 demands.<sup>c</sup> Whatever latent chance of success the  
13 negotiations might have had was lost when, a few days  
14 after the presentation of the demands, MATSUOKA  
15 publicly stated that the Netherlands Indies was part  
16 of Japan's co-prosperity sphere and inseparably  
17 related to Japan.<sup>d</sup> Following the receipt of the  
18 Netherlands' reply, the negotiations continued, but it  
19 became clearer and clearer that it would not be pos-  
20 sible to bring the area under Japan's domination  
21 without recourse to military action. This was made  
22

G-42.

- 24       a. Ex. 1309A, T. 11844-5.  
25       b. Ex. 1309A, T. 11345-51.  
       c. Ex. 1309A, T. 11852-6.  
       d. Ex. 1300, T. 11740-1.



1 plain in a series of telegrams from YOSHIZAWA to  
2 MATSUOKA.<sup>c</sup> The negotiations continued, however,  
3 until June. On June 6, 1941, the Netherlands  
4 delegation presented a memorandum stating that Japan's  
5 views were materially in violation of the economic  
6 policy of the Netherlands Indies, and the latter  
7 could not accept the assumed interdependence of  
8 itself and Japan and give Japan a special position  
9 over all other nations.<sup>f</sup> Upon receipt of this reply,  
10 Japan determined that it was meaningless for her to  
11 continue the negotiations and decided to terminate  
12 the conference.<sup>g</sup> On June 17, 1941, the conference  
13 was discontinued, and Japan determined to take other  
14 means to obtain her aggressive ends.<sup>h</sup>

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24 G-42.

25 c. Ex. 1318, T. 11856-7; Ex. 1319, T. 11859-60;

Ex. 1045, T. 11863.

f. Ex. 1309A, T. 11872.

g. Ex. 1322, T. 11875-8; Ex. 1323, T. 11879.

h. Ex. 1309A, T. 11,882.

G-43. In the meantime, Japan had already  
1 begun to further prepare herself for military action  
2 in the southern region. Her first move was to attempt  
3 to separate Thailand from Britain and bring Thailand  
4 within the Japanese sphere. When Japan first entered  
5 Indo-China, she was presented with a ready-made  
6 opportunity for attaining this end. On June 12, 1940,  
7 France and Thailand had concluded a non-aggression  
8 pact and had agreed to appoint commissioners to dis-  
9 cuss revision of the border of the Mekong River.<sup>a.</sup>  
10 Upon France's surrender to Germany, Thailand had  
11 stiffened its attitude and demanded as a condition  
12 of ratification of the treaty the revision of the  
13 border in accordance with Thailand's demands. On  
14 October 11, 1940, France had refused these demands  
15 for the second time, and Thailand concentrated troops  
16 along the frontiers.<sup>b.</sup> While at first Japan was op-  
17 posed to the demands, it was decided to assist Thai-  
18 land in order to get an economic agreement from her  
19 and to separate her from Britain. At the Four  
20 Ministers Conference of November 5, 1940, it was de-  
21 termined to aid Thailand to recover her lost terri-  
22 tory and to make her cooperate politically and  
23

24  
25 G-43.

a. Ex. 618A, T. 6868

b. Ex. 618A, T. 6868-70

1 economically in establishing the new order. This was  
 2 reaffirmed by the decision of November 21. On Nov-  
 3 ember 28, MATSUOKA unofficially informed France that  
 4 he intended a peaceful arbitration between France and  
 5 Thailand. France, however, declined.<sup>c.</sup> Thereupon,  
 6 Japan once again called upon her German ally for  
 7 assistance in forcing Vichy to accede to Japan's  
 8 demands. In February 1941, such a request was made.<sup>d.</sup>  
 9 In view of the fact that Japan intended to obligate  
 10 French Indo-China and Thailand not to make a politi-  
 11 cal and military agreement with a third power, which  
 12 meant a lessening of British and American influence,<sup>e.</sup>  
 13 and in view of the fact that it would give Japan an  
 14 opportunity to establish herself militarily in Saigon  
 15 to go against Singapore, as Germany desired,<sup>f.</sup> Germany  
 16 willingly cooperated.<sup>g.</sup> Succumbing to the combined  
 17 pressure of Japan and Germany, Vichy, on March 11,  
 18 1941, accepted Japan's plan of mediation and assured  
 19 her that it did not intend to enter into an agreement  
 20 with a third party providing for political, economic  
 21 or military cooperation in Indo-China directly or in-  
 22 directly against Japan.<sup>h.</sup> On May 9, 1941, the peace

- 24 G-43. c. Ex. 618A, T. 6871-4; Ex. 564, T. 6446  
 25 d. Ex. 565, T. 6447; Ex. 566, T. 6447  
 e. Ex. 565, T. 6446; Ex. 631, T. 6990  
 f. Ex. 562, T. 6984  
 g. Ex. 566, T. 6447; Ex. 631, T. 6989-90  
 h. Ex. 633, T. 6996-9



1. agreement was signed between Thailand and France.

1 G-44. The French acceptance of Japan's de-  
2 mands had strengthened considerably Japan's position  
3 for effectuating her aggressive program. On the one  
4 hand, it had effectively prevented France from seek-  
5 ing third party aid against Japan. On the other hand,  
6 it had strengthened Japan's position. Both results  
7 were necessary to Japan's program. In the basic  
8 decision of October 4, 1940, it had been determined  
9 that in order to accomplish Japan's purposes a mili-  
10 tary alliance must be concluded with Thailand which  
11 was to be used as a rear base. Strategically, to  
12 reach Singapore Japan had to use the land bridge of  
13 the Malacca peninsula, and to reach this she had to  
14 pass through both Indo-China and Thailand.<sup>b.</sup> That  
15 these military motives were the real incentives for  
16 the movement was made clear in the decision of the  
17 Liaison Conference of January 30, 1941. That confer-  
18 ence had decided that the purpose of the plan was to  
19 establish Japan's leading position in Indo-China and  
20 Thailand by utilizing the arbitration matter to con-  
21 tribute to the preparations for the southward policy.  
22 These preparations contemplated naval use of Camranh  
23

24 G-43.

25 1. Ex. 47, T. 7000

G-44.

a. Ex. 628, T. 6979

b. Ex. 629, T. 6981-2

Bay and the air bases near Saigon. The real purpose,  
 it was decided, would be disguised under the expressions "preservation of trade and communications" and "security against war between Indo-China and Thailand." <sup>c.</sup>

G-45. With the failure to obtain Japan's demands against the Netherlands Indies without the use of force and with the termination of the negotiations, Japan prepared to obtain those demands by military force. On June 21, 1941, MATSUOKA notified Germany that the negotiations were terminated and that in order to proceed against the Netherlands Indies, naval and air bases must be set up in Indo-China. <sup>a.</sup> On June 25, 1941, the Liaison Conference laid down as official policy that, especially in connection with Indo-China as soon as possible which would stress the establishment or use of air bases and harbor facilities in specified areas in Indo-China and the stationing of troops in the southern part. If France or Indo-China did not comply, Japan would obtain her object by arms, for which preparation would be made in advance. <sup>b.</sup> This program received official approval in the Imperial Conference of July 2, 1941. <sup>c.</sup>

G-44. c. Ex. 1303, T. 11744-5

G-45. a. Ex. 635, T. 7009; Ex. 639B, T. 7034  
 b. Ex. 1306, T. 11753-4  
 c. Ex. 588, T. 6566-9

1 THE PRESIDENT: We will adjourn until half-  
2 past one.

3 (Whereupon, at 1200, a recess was taken.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Oneto.

MR. ONETO: I now resume reading at page G-43.

G-46. Pursuant to this decision, on July 14,<sup>a.</sup> 1941, Japan presented its demands to Marshal Petain. The proposals demanded the possession of certain bases by Japan and the right to send forces into south Indo-China, and threatened that troops would advance on July 20 if France did not accept.<sup>b.</sup> Once again, Japan requested that German pressure be applied on Vichy, but this time Germany felt it inadvisable to interfere.<sup>c.</sup> However, German aid was unnecessary since Germany had already previously denied to French Indo-China the right to strengthen its defenses, and Japan's pressure itself was sufficient with the result that Vichy concluded it had no alternative but to give in to violence. It did, however, ask that Japan state the occupation was only temporary and limited to the duration of operations for which it was destined.<sup>d.</sup>

(G-46. a. Ex. 646, T. 7055. d. Ex. 646, T. 7056;  
b. Ex. 640, T. 7037-9 Ex. 630, T. 6933;  
c. Ex. 639B, T. 7034; Ex. 641, T. 7043-4)  
Ex. 642, T. 7046-8

1 On July 22, 1941, before Japan's final ultimatum ex-  
 2 pired, in an exchange of notes between Ambassador KATO  
 3 and Darlan, Vichy granted to Japan the right to send  
 4 troops, to use eight air bases and Saigon and Camranh  
 5 Bay and agreed to provide facilities for the troops,  
 6 to guarantee the defense of Indo-China against any  
 7 attack and to share by defensive action all offensive  
 8 operations executed in accordance with local agreement.<sup>c.</sup>  
 9 As soon as the letters had been exchanged, Japan sent  
 10 her troops into the area, her plans calling for the  
 11 dispatch of <sup>f.</sup> 40,000 troops. On July 29, 1941, Japan  
 12 and Vichy entered into a protocol for the joint defense  
 13 of Indo-China under special arrangements for so long  
 14 as the circumstances which motivated them exist.<sup>g.</sup>

15 G-47. Thus, by her duress upon Vichy and Indo-  
 16 China Japan had obtained a concentration area and  
 17 jumping-off ports against the Netherlands Indies,<sup>a.</sup> and  
 18 had gained positions which would enable her to increase  
 19 her pressure upon Britain and the United States.<sup>b.</sup>

20 Japan's further plans and preparation for aggressive  
 21 war against the French and Dutch southern areas and  
 22 her aggressive action pursuant thereto are inextricably  
 23 interwoven into her aggressive plans, preparations and  
 24

25 (G-46. c. Ex. 647A, T. 7059-65 (G-47. a. Ex. 639A,  
 f. Ex. 648, T. 7067-8; T. 7032-3.  
 Ex. 652, T. 7106-8 b. Ex. 636, T. 7010)  
 g. Ex. 651, T. 7078)

1 actions against Britain and the United States, that  
2 they ca not be considered separately, and will there-  
3 fore now be considered in connection with and in light  
4 of Japan's aggression against those countries.

5 Brigadier Nolan will now continue.

6 THE PRESIDENT: Brigadier Nolan.

7 BRIGADIER NOLAN: 3. AGGRESSION AGAINST  
8 BRITAIN AND THE UNITED STATES.

9 G-48. While Japan was applying pressure  
10 against the Netherlands Indies and making her first  
11 military moves into the South Seas, the other Western  
12 Powers were viewing the situation with alarm. When  
13 Holland was taken over by Germany in May 1940, Secretary  
14 Hull made it perfectly clear that intervention in the  
15 domestic affairs of the Netherlands East Indies or any  
16 attempt to alter the status quo except by peaceful pro-  
17 cesses would be prejudicial to stability, peace and  
18 security in the Pacific and would violate the Four  
19 Power Treaty and the Identic Notes sent to Holland with  
20 respect to her insular possessions in the Pacific.<sup>a.</sup>

21 G-49. Upon the presentation of demands on the  
22 French authorities in French Indo-China for permission  
23 to send Japanese troops for military operations against  
24 China, and to use military bases and other facilities,  
25 (G-48. a. Ex. 1013, T. 9667-8)



1 Grew was instructed on September 3, 1940, to point  
2 out the unfortunate effect such an ultimatum would  
3 have on Japanese-American relations.<sup>a.</sup> On September 19,  
4 1940, in accordance with instructions, Grew pointed  
5 out to LATSUOKA that the status quo of a country was  
6 seriously affected when one of two warring countries,  
7 in order to attack the other, demanded the rights of  
8 airdrome use and troop passage from a third nation.  
9 The stipulations then being made by Japan on French  
10 Indo-China were inconsistent with Japan's duty of  
11 maintaining the status quo in the Pacific.<sup>b.</sup>

12 G-50. When, notwithstanding the timely  
13 warnings against her course of aggression against  
14 China and other areas in East Asia and the South Seas,  
15 Japan not only continued but intensified her aggressive  
16 activities, the United States took certain precautionary  
17 measures. On January 26, 1940, she permitted the Com-  
18 mercial Treaty of 1911 between the United States and  
19 Japan to lapse after notification of abrogation by  
20 the United States on July 26, 1939, because it did not  
21 afford sufficient, adequate protection to United States  
22 commerce in Japan or in occupied portions of China and  
23 acted as a bar to the adoption of retaliatory measures  
24 (G-49. a. Ex. 1025, T. 9719-20  
25 b. Ex. 1026, T. 9721-2)



negotiations, others viewed the negotiations as impossible from the beginning and regarded them as useful camouflage for the active war preparations going on which would lull the United States and Britain into a false feeling of security. As to the latter group of conspirators, the negotiations were an integral part of the preparation for war. Regardless of the views of the particular conspirators as to the function of the negotiations, it must not be forgotten that both groups aimed at the common objective of the conspiracy - the domination of the Asiatic-Pacific World - which had been and was then being carried out through aggressive warfare.

G-52. The idea of going to war with the United States and Britain to gain the purposes of the conspiracy was not a wholly novel one in the early days of 1941. Other evidence has already shown the tremendous preparations in previous years of weapons, ammunition and military supplies and the total mobilization of the country far in excess of the exigencies of the aggressive operations then being carried out in China. Already on June 30, 1936, during HIROTA's premiership, the Foreign, Navy, War and Finance Ministers had worked out a plan of state policy to secure a



steady footing of Japan on the Asiatic continent  
1 through diplomacy and national defense in which the  
2 entire program of aggression and its methods of accom-  
3 plishment were laid down in broad outline. This pro-  
4 gram stated that Japan was to be prepared for Britain  
5 and America, and naval armaments should be strength-  
6 ened until sufficient to assure command of the Western  
7 Pacific against the United States.<sup>a</sup> At the Privy  
8 Council meeting of September 26, 1940, which considered  
9 the ratification of the Tripartite Pact, the question  
10 of a possible war with the United States and Japan's  
11 readiness therefor was considered. War Minister TOJO  
12 stated that they need not worry about the readiness  
13 of the army, since it would not play a large role in  
14 such war, although an operation against the United  
15 States was not complete without considering one against  
16 the Soviet Union. Navy Minister OIKAWA pointed out  
17 that the navy had completed its war preparations and  
18 could not be beaten by the United States, and the  
19 navy was working on a prudent policy to keep up with  
20 the American plan for repletion of its navy in case of  
21 a long war. So far as materials were concerned,  
22 HOSHINO, President of the Planning Board, observed  
23 that Japan was dependent on imports from Britain and  
24 (G-52. a. Ex. 977, T. 9542-6; Ex. 979, T. 9550-3)  
25

1 the United States. Particularly, Japan was dependent  
2 on the United States for oil, and a substitute must  
3 be found. Both TOJO and OIKAWA stated that for a con-  
4 siderable length of time they had been making prepara-  
5 tions for building up stocks of oil. b.

6 G-53. Early in February 1941, Japan began  
7 conversations simultaneously with both Britain and the  
8 United States for the ostensible purpose of clarify-  
9 ing Japan's position in Far Eastern matters. The con-  
10 versations with Britain served only to delimit the  
11 problem. On February 7, 1941, SHIGEMITSU, then Ambassa-  
12 dor to London, conferred with Foreign Minister Eden and  
13 the latter clarified Britain's position on Far Eastern  
14 Affairs. Eden queried whether England did not need  
15 to fear that Japan would attack British Far Eastern  
16 territories simultaneously with a German attack on Eng-  
17 land, after pointing out the strained relations between  
18 Britain and Japan due to violation of British rights,  
19 false propaganda, the signing of the Tripartite Pact,  
20 the statements about Burma, the actions of Japan in  
21 French Indo-China and Thailand, and the report of Amba-  
22 sador Craigie that the prevailing opinion in Japan was  
23 that the crisis in the Far East would occur within two  
24 or three weeks. He then clearly stated that England  
25 (G-52. b. Ex. 1030, T. 9756-66)

1 had territories in the Far East but had no aggressive  
2 intentions and that she did not intend to sacrifice  
3 her territory on orders of another nation. England  
4 could not approve the principle that Japan alone had  
5 the right to administer and control the destiny of all  
6 in the Far East. He then stressed his hope that Japan  
7 would not bring about disaster by her cooperation with  
8 the Axis and warned that Japan should not regard Britain  
9 as decadent and powerless.<sup>a.</sup> In reply, SHIGEMITSU  
10 stated that it was clear that Eden assumed that Anglo-  
11 Japanese relations were approaching the final stage.  
12 While the conditions might not improve, they must not  
13 be allowed to get worse. SHIGEMITSU pointed out that  
14 Eden had spoken only from Britain's point of view, and  
15 that Britain and the United States had not tried to  
16 understand Japan's viewpoint that important political  
17 and economic interests arose from her geographical  
18 position, but instead they only criticized Japan. Eden  
19 replied that he could not overlook the Craigie report  
20 and would like to have Japan's views on the matters. A  
21 report of the conversations was made to MATSUOKA.<sup>b.</sup>

22  
23 G-54. On February 13, MATSUOKA replied to  
24 SHIGEMITSU's report that Craigie's report was "ridicu-  
25 lous fantasy" and groundless. He stated Japan did not  
(G-53. a. Ex. 1039, T. 9782-7  
b. Ex. 1040, T. 9789-93)



a. On February 17,  
desire to have trouble with Britain. MATSUOKA replied to Eden's representations, stating  
1 there was no ground for entertaining such alarming  
2 views on the Far Eastern situation. As explained to  
3 Craigie, the Tripartite Pact aimed to limit the sphere  
4 of the European War. He then claimed that Japan was  
5 anxious because of British and United States movements  
6 in expediting and enlarging war preparations to meet  
7 supposed contingencies in the Pacific and South Seas,  
8 and stated that the situation would be mitigated if  
9 the United States would limit herself to the Americas  
10 and cease causing unnecessary anxiety to Japan. Japan  
11 hoped that all wars would end soon and was ready to act  
12 as mediator everywhere and to take the actions needed  
13 to recover normal conditions.  
14 b.

15 G-55. On February 15, MATSUOKA met with  
16 Craigie and bluntly told him that so long as Britain  
17 refrained from any provocative attitude, Japan would  
18 not start any action which would lead to anxiety by  
19 Britain and the United States. When Craigie questioned  
20 him on the possibility of checking Japan's southward  
21 march, MATSUOKA replied that he would like to check it  
22 the best he could, but preferred to indicate Japan's  
23 real intentions by acts rather than words.  
24 a.

25 (G-54. a. Ex. 1041, T. 9794-5 (G-55. a. Ex. 1046, T. 9811-9813)  
b. Ex. 1101, T. 10043-7)

G-56. On February 24, Churchill met SHIGEMITSU and pointed out that the defense undertaken by Britain at Singapore and those undertaken by the United States were for protection of the area and not a policy for an offensive or aggression against Japan. He also declined MATSUOKA's offer of mediation in the European war, being certain of ultimate victory.<sup>a.</sup> SHIGEMITSU replied that MATSUOKA had not offered to mediate but was merely emphasizing Japan's spirit for peace. He stated that Britain, who knew that real trouble in the Far East arose from problems in China, had been giving concrete assistance to China together with other countries and thus had been maintaining a policy enabling China to resist Japan.<sup>b.</sup> On February 27, MATSUOKA replied to Churchill reiterating SHIGEMITSU's statement that he had not offered mediation and reemphasizing that the aims of the Tripartite Pact were peaceful.<sup>c.</sup>

G-57. These negotiations lasting less than a month sharply delineated the major issues then existing between Britain and the United States and Japan. Hidden in diplomatic language, the questions were: (1) Would Britain and the United States accept the policy which Japan was following in her actions in China, French

(G-56. a. Ex. 1048, T. 9818-20; Ex. 1049, T. 9821-5

b. Ex. 1051, T. 9828-9

c. Ex. 1053, T. 9835-7)

Indo-China and Thailand; and (2) would Japan, under cover of its alleged allegiance to the Tripartite Pact, extend its aggressive actions to British and American possessions in the Far East. The negotiations with Britain merely posited the problems and helped clarify the issues. The solutions, if any, were left to be handled by negotiations with the United States. On only one other occasion did Britain participate directly. On April 12, 1941, Churchill posed certain questions for MATSUOKA to consider before entering into war with Britain and the United States.<sup>a.</sup> To this on April 22, 1941, MATSUOKA replied in noncommittal language that Britain might rest assured that Japan's foreign policy was determined upon after an unbiased examination of all facts and a careful weighing of all conversations, holding steadfastly to the principle of Hakko-Ichiu under which there would be no conquest, oppression or exploitation. The idea would be carried out with resolution and circumspection, taking in every detail of changing circumstances.<sup>b.</sup>

G-58. The 1941 negotiations between Japan and the United States began with the appointment of a new ambassador from Japan to the United States, Admiral NOMURA. On January 22, 1941, MATSUOKA warned NOMURA

(G-57. a. Ex. 1062, T. 9868-71  
b. Ex. 1063, T. 9872)



1 that Japan had made a definite resolution to stand  
2 against the United States if the United States entered  
3 the European War, which attitude would act as a check  
4 against the United States participating therein, and  
5 instructed NOMURA to make the following points clear to  
6 President Roosevelt and Secretary Hull: (1) Unless  
7 Japan ~~were~~ bold enough to make great changes in national  
8 policy, she would not be able to get United States  
9 understanding for maintaining peace in the Pacific;  
10 (2) If the present situation continued, there was no  
11 guarantee that the United States might not join the  
12 present war or might not declare war on Japan; (3) If  
13 there was no basis for mutual understanding between the  
14 two, Japan had to join with others to prevent the United  
15 States from declaring war on Japan or from participating  
16 in the European War, and Japan had had therefore to  
17 contract an alliance with Germany and Italy; (4) Japan  
18 would be faithful to this alliance, but when Japan  
19 decided on an important matter she would deliberate  
20 carefully in a Cabinet Council; (5) while Japan's con-  
21 duct in China was at present regarded as being illegal,  
22 unjust or aggressive, this was only temporary and Japan  
23 would finally have equal and reciprocal treaties with  
24 China; (6) The Great East Asia Co-Prosperity Sphere  
25 would be built on the principle of Hakko-Ichiu and it

1 was Japan's desire to build a world of international  
2 neighborhood and mutual assistance; (7) putting aside  
3 the ideal and dealing with daily matters, Japan found  
4 it necessary to settle the problems of self-support  
5 and self-sufficiency in Greater East Asia, which was  
6 not unjust or unreasonable; (8) by her policy, Japan  
7 did not mean the exclusion of foreigners.  
a.

8 G-58A. MATSUOKA's instructions to NOMURA em-  
9 phasized that Japan intended to go forward with her  
10 program of building up the Greater East Asia Co-  
11 Prosperity Sphere and that an understanding could be  
12 reached only upon that basis. A contemporaneous docu-  
13 ment introduced by the defendant TOJO made this fact  
14 even clearer. On February 3, 1941, the Liaison Con-  
15 ference arrived at a decision which was to be used as  
16 instructions or reference by MATSUOKA in his negotia-  
17 tions with Germany, Italy and the Soviet Union during  
18 his European visit. The document provided that Japan  
19 would be the political leader in the areas of the  
20 Greater East Asia Co-Prosperity Sphere and would be  
21 responsible for the maintenance of order there. The  
22 peoples of the area were either to maintain indepen-  
23 dence or to be made independent; but the peoples of the  
24 areas in the possession of Britain, France, Portugal,  
25 (G-58. a. Ex. 1008, T. 9643-50)

1 Holland and others, incapable of being independent,  
2 were to be permitted to have as much self-government  
3 as possible in accordance with their abilities under  
4 the guidance of Japan. Japan would have preference  
5 over the defense resources in these areas, but as to  
6 other commercial enterprises she would follow the prin-  
7 ciple of the open door and equal opportunity mutually  
8 with other economic blocs. The world was to be divided  
9 into four great blocs - the Greater East Asia Bloc,  
10 the European Bloc (including Africa), the American Bloc,  
11 and the Soviet Bloc (including India and Iran).<sup>a.</sup>

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21 (G-58A. a. Ex. 3657, T. 36213)  
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1 G-59. On February 7, 1941, MATSUOKA wired  
2 further instructions to NOMURA on points to be clari-  
3 fied to American authorities. He was to point out  
4 that no one in Japan may want war with the United  
5 States, and if the United States brought on a war and  
6 even defeated Japan, Japan would not remain conquered.  
7 Such a war would ruin both countries and bolshevize  
8 Asia. Japan did not understand why America was there-  
9 fore arming against Japan or why she wanted arms suf-  
10 ficient to police the world. The United States should  
11 not meddle in the "living sphere" of others.

12 G-60. On February 14, 1941, NOMURA met for  
13 the first time with President Roosevelt and Secretary  
14 Hull. The President pointed out that relations were  
15 not good and the United States was concerned over Japan's  
16 actions. Specifying the action in French Indo-China  
17 and the Tripartite Pact as difficulties, he suggested  
18 that NOMURA and Hull review and re-examine the important  
19 phases of the relations of the two nations, to ascer-  
20 tain when and how the divergencies had developed and  
21 their effects and to see if the relations could be  
22 improved. On the same day, MATSUOKA again instructed  
23 NOMURA to make continuous efforts to make the President  
24 and other members of the United States government see  
25

(G-59. a. Ex. 1009, T. 9652-7.)  
(G-60. a. Ex. 1043, T. 9798-9800.)

1 Japan's real intention. They must know that Japan was  
2 determined to carry out the already fixed policy at  
3 the risk of the nation's destiny. The United States  
4 could not rely on the fact that some in Japan might  
5 oppose the Tripartite Pact or that Japan had exhausted  
6 her natural resources in the China Incident. If the  
7 United States obstructed the way, Japan would unite  
8 more firmly to accomplish the national policy regard-  
9 less of sacrifice. On the other hand, Japan was grate-  
10 ful to those who were sympathetic and understood her  
11 and would make concessions even if illogical.<sup>b.</sup> Thus,  
12 at the very beginning the dichotomy between the two  
13 countries on the approach to the problems was made  
14 abundantly clear. On the one hand, the United States  
15 sought to improve the relations, while, on the other  
16 hand, Japan served notice she would follow her policy  
17 to the end.

18 G-61. Shortly following the opening of the  
19 negotiations, the conspirators took several actions  
20 which made the potential success of the negotiations  
21 more difficult, if not entirely abortive. On February  
22 25, 1941, OSHIMA, with MATSUOKA's knowledge, assured  
23 Germany that Japan was absolutely faithful to the  
24 Tripartite Pact and was moving forward toward the  
25 (G-60. b. Ex. 1050, T. 9826-7.)

1 realization of her national policy with that treaty  
2 as the keynote of her foreign relations. <sup>a.</sup> On March 4,  
3 1941 MATSUOKA requested NOMURA in answering certain  
4 types of questions to act in concert with him in view  
5 of the fact that MATSUOKA had replied in the affirmative  
6 to the question whether Japan would participate  
7 in a war in case the United States should attack

8 Germany. <sup>b.</sup> On March 7, 1941, it was decided by the  
9 cabinet that the detailed regulations of the National  
10 Mobilization Law would be put into force on March 20. <sup>c.</sup>

11 G-62. On March 8, 1941, Hull and NOMURA met  
12 for an exploratory conversation. The major point  
13 which Hull stressed was that two or three nations had  
14 organized their naval and military forces and were out  
15 to conquer the rest of the world and expected the other  
16 nations to be complacent while this was going on. He  
17 questioned whether the United States would remain  
18 complacent while force was being substituted for law,  
19 justice, fair dealing and equality. When NOMURA  
20 played down the idea that Japan had military conquest  
21 in mind and stated that if the United States should in-  
22 crease its embargoes, it would force Japan to take fur-  
23 ther military steps, a threat not too heavily concealed,

24 (G-61. a. Ex. 1050, T. 9826-7.  
25 b. Ex. 1054, T. 9841.  
c. Ex. 1055, T. 9842.)



Hull pointed out that Japan had begun the military expansion and seizure of territory and the United States was greatly concerned as to the full extent of Japan's contemplated conquest by force. NOMURA again tried to minimize and deny that Japan was engaged in unqualified military conquest, and Hull warned him that the United States was well aware of the movements of Germany and Japan to take charge of the seas and the continents for their own personal and pecuniary profit at the expense of others. He asserted that as long as Japan's armies were in China, Thailand, and French Indo-China and threatening statements continued, there would be increasing concern. He added that the new order in East Asia was nothing but a program of military aggression and conquest with arbitrary policies of political, military and economic domination.<sup>a.</sup>

G-63. Hull and NOMURA again met with President Roosevelt on March 14, 1941, and the President pointed out that the American people believed that there was a concerted effort by Germany and Italy to reach Suez and by Japan to approach Singapore, the Netherlands East Indies and the Indian Ocean. NOMURA expressed more strongly than ever his belief that Japan would not go south.<sup>a.</sup> In the course of this conversation

(G-62. a Ex. 1056, T. 9843-7.)  
(G-63. a Ex. 1057, T. 9848.)

1 Hull emphasized that since Japan had departed from the  
2 course both countries had been pursuing, the initiative  
3 and responsibility were hers to suggest what, how, and  
4 when she was willing to undertake serious discussions,  
5 and Japan must make clear both by word and act that her  
6 intentions were serious.  
b.

7 G-64. While NOMURA and the President and  
8 Hull were exploring and stating the basic issues lying  
9 between the two countries, the stage for carrying out  
10 the program of preparation for war was being set in  
11 Japan. Frequently, during the months of January  
12 through April, meetings were being held between the  
13 high members of the government and the High Command  
14 in the Liaison Conferences. KONOYE, TOJO, MATSUOKA,  
15 HIRANMUA, MUTO and OKA constantly participated. On  
16 January 23, 1941, the fundamental principles of Japan's  
17 population policy were adopted by the cabinet after  
18 explanations by President HOSHINO of the Planning  
19 Board, TOJO and others. The plan was to increase the  
20 population quickly, enhance its quality and correct  
21 distribution of Japanese emigrants so as to secure  
22 leadership over East Asia.  
b. On April 3, 1941, after  
23 consultation with KIDO, TOJO and OIKAWA, KONOYE appointed  
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25 (G-63. b. Ex. 2868, T. 25680.)

(G-64. a. Ex. 1103, T. 10057-60.

b. Ex. 865, T. 8807-10; Ex. 1067, T. 9879-82.)

1 the accused SUZUKI President of the Planning Board,  
2 one of the most important offices in preparing the  
3 nation for war, and TOYODA Minister of Commerce and  
4 Industry.<sup>c.</sup> This was regarded by KONOYE as creating  
5 a real munitions ministry, marking an advance toward  
6 perfection of the national defense structure.<sup>d.</sup>

7 G-65. The issues responsible for the es-  
8 trangement of Japan and the United States having been  
9 defined in the Washington Conferences, a period of  
10 preliminary negotiations began. On April 9, 1941,  
11 there was presented to the Department of State in  
12 Washington an unofficial proposal for settling the  
13 differences.<sup>a.</sup> This draft was the result of secret  
14 conversations held since the previous December between  
15 certain private citizens of the United States with no  
16 official government position and IWAKURO of the Mil-  
17 itary Affairs Bureau of the War Ministry and IKAWA,  
18 both then on duty with the Japanese Embassy in Wash-  
19 ington under NOMURA.<sup>b.</sup> This document proposed: that  
20 both nations accept joint responsibility for initi-  
21 ating and concluding a general agreement disposing of  
22 the question of resuming friendly relations; they both  
23 wished to prevent incidents from recurring and to  
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25 (G-64. c. Ex. 1058, T. 9850.  
d. Ex. 3216A, T. 29174.)  
(G-65. c. Ex. 1059, T. 9851.  
b. Ex. 2866, T. 25673.)



correct them and hoped by joint effort to establish  
1 a just peace in the Pacific; since protracted negoti-  
2 ations would be weakening, adequate instruments should  
3 be developed for a general agreement binding on both,  
4 comprising only the urgent issues; with respect to  
5 international relations they would jointly acknowledge  
6 that their national policies were directed toward a  
7 lasting peace, that all nations and races are one house-  
8 hold, equally enjoying rights and admitting responsi-  
9 bilities regulated by peaceful processes; with respect  
10 to the European war, Japan would maintain that the  
11 Axis Alliance was purely defensive to ~~prevent~~ the war's  
12 extension and that it would come into force only when  
13 one party to the Alliance was aggressively attacked by  
14 a party not presently involved; the United States on  
15 the other hand would declare that its attitude toward  
16 the war would continue to be determined by no aggres-  
17 sive alliance to assist any nation, and its attitude  
18 was pledged to the hate of war and determined only by  
19 considerations of protective defense of its welfare  
20 and security; as to the China Incident, on the guar-  
21 antee of terms by Japan, the United States would pro-  
22 pose to Chiang Kai-shek that he negotiate with Japan  
23 on terms which would provide for the independence of  
24 China, withdrawal of Japanese troops in accord with a  
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future agreement, no acquisition of territory or  
1 indemnity, resumption of the open door upon an inter-  
2 pretation and application to be agreed upon between  
3 Japan and the United States, coalition of the two  
4 Chinese governments, limited Japanese immigration to  
5 China, and recognition of Manchukuo; if this was ac-  
6 cepted, Japan would commence direct negotiations with  
7 the new Chinese government or its elements; Japan  
8 would offer general terms on the lines of neighborly  
9 friendship, joint defense against communism and econ-  
10 omic cooperation; with respect to naval relations,  
11 neither nation would dispose its naval and aerial forces  
12 so as to menace each other, this to be decided in  
13 detail at the proposed joint conference; Japan would  
14 also use good offices to release for American contract,  
15 a certain percentage of total tonnage of her merchant  
16 vessels when released from present commitments; in  
17 matters of commerce, both would assure each other a  
18 mutual supply of commodities available and required,  
19 and both would resume former trade relations either  
20 under a treaty like that of 1911 or a new one to be  
21 worked out; the United States would extend to Japan a  
22 gold credit in an amount sufficient to foster trade  
23 and industrial development directed to bettering Far  
24 East economy; on Japan's pledge that her activities in  
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1 the Southwest Pacific would be carried on by peaceful  
2 means, the United States would cooperate and support  
3 her in producing and procuring the natural resources  
4 she needed; as to political matters, neither would  
5 acquiesce in the transfer of territory in the Far East  
6 and Southwest Pacific to any European power, and both  
7 would jointly guarantee the independence of the Phil-  
8ippines; Japan would ask the United States for aid in  
9 removing Hongkong and Singapore as doorways to further  
10 encroachment by Britain, and Japanese immigration to  
11 the United States and Southwest Pacific would be on a  
12 basis of equality and non-discrimination; a conference  
13 between the two nations was to be held at Honolulu,  
14 to be opened by KONOYE and Roosevelt, as soon as pos-  
15 sible after the present agreement was reached, and it  
16 would not reconsider this agreement. The understanding  
17 was to be kept confidential and jointly announced. c.

18 G-66. On April 14, 1941, Hull sent for NOMURA  
19 to ascertain the extent of his knowledge of this latest  
20 private proposal and whether he desired to present it  
21 officially as the first step in negotiation. NOMURA  
22 replied that he did not know all about it but he had  
23 collaborated with the individuals who had presented  
24 it and would be disposed to present it as a basis of  
25 (G-65. c. Ex. 1059, T. 9852-60.)



negotiation. At the same time he reiterated strongly  
1 that Japan did not intend to invade the South Seas  
2 area. Hull pointed out that prior to actual negoti-  
3 ations the United States desired to ascertain whether  
4 there was a basis for negotiations by learning Japan's  
5 view on such questions as the integrity and sovereignty  
6 of China and the principle of equality of opportunity.<sup>a.</sup>

7 G-67. On April 16, 1941, Hull again conferred  
8 with NOMURA to lay down the two conditions under which  
9 the United States would begin negotiations on the basis  
10 of this proposal. First it must be understood that  
11 while it contained numerous proposals to which the United  
12 States could readily agree, there were others which  
13 required modification, expansion or elimination and  
14 additional ones which the United States might submit.  
15 The second and paramount consideration was that the  
16 United States must have in advance a definite assurance  
17 that Japan was willing and able to go forward with  
18 the plan outlined and the points brought up in the con-  
19 versations, that Japan would abandon its doctrine of  
20 military conquest by force together with the use of  
21 force as an instrument of policy and would adopt the  
22 principles which the United States proclaimed, practised  
23 and believe should govern all relations between nations.  
24  
25 (G-66. a. Ex. 1060, T. 9863-5.)

1 These were: (1) respect for the territorial integrity  
2 and sovereignty of all nations; (2) support of the  
3 principle of non-interference in the internal affairs  
4 of others; (3) support of the principle of equality,  
5 including that of commercial opportunity; and (4) non-  
6 disturbance of the status quo in the Pacific except  
7 by peaceful means. These preliminary points were to  
8 be referred to them for answer.<sup>c.</sup> NOMURA thereupon  
9 transmitted the proposal to his government and recom-  
10 mended that he be permitted to proceed with negoti-  
11 ations, leaving all defects to be remedied at the  
12 Conference.<sup>b.</sup> He pointed out that the idea that Japan's  
13 advance to the south would not be made by armed force  
14 was the foundation of the whole understanding.<sup>c.</sup>

15 G-68. Immediately upon the receipt of NOMURA's  
16 request for instructions on April 18, 1941 KONOYE  
17 convened a meeting of high government and military  
18 leaders for the same night. At this conference there  
19 were present KONOYE, Vice-Foreign Minister OHASHI  
20 representing MATSUOKA who was out of the country,  
21 HIRANUMA, TOJO, MIKAWA, MUTO, OKA, TOMITA and the  
22 Chiefs of Staff of the army and navy. The consensus  
23 of opinion was that the acceptance of such a proposal

24 (G-67. a. Ex. 1061, T. 9866-8  
25 b. Ex. 2870, T. 25683-5  
c. Ex. 2871, T. 25691.)

1 was the speediest way to dispose of the China Incident  
2 and would provide the best means of avoiding a United  
3 States-Japan war and of preventing the European conflict  
4 from becoming world-wide. They favored acceptance,  
5 but only on certain conditions. First, it must be  
6 made clear that there was to be no infringement of  
7 the Tripartite Pact but Japan was to keep faith with  
8 Germany. It must also be made clear that the object  
9 of the negotiations was to promote world peace. It  
10 would be a breach of faith with Germany if the under-  
11 standing would relieve the United States of her com-  
12 mitments in the Pacific and allow her to increase her  
13 support of Britain. Second, the agreement must clearly  
14 express the idea of building a new order.<sup>a.</sup> On April  
15 19, 1941, Lord Keeper of the Privy Seal KIDO and  
16 Premier KONOYE, who together with the Foreign Minister  
17 were the only advisors to the Emperor on diplomatic  
18 questions, conferred on NOMURA's request and agreed  
19 that they must endeavor to realize an agreement. How-  
20 ever, they also agreed that they must bend every  
21 effort to keep good faith with Germany and Italy and  
22 not to interfere with the establishing of a new order  
23 in the Co-Prosperity Sphere, Japan's fixed national  
24 policy.<sup>b.</sup> Thus all agreed on these basic conditions  
25

(G-68. a. Ex. 2866, T. 25694-80.

b. Ex. 1065, T. 9875; Ex. 1066, T. 9877.)



notwithstanding the fact that these two conditions  
1 were two of the major obstacles standing in the way  
2 of a peaceful settlement already defined by Roosevelt  
3 and Hull in their conversations with NOMURA.  
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G-69. When the proposal and request for  
1 instructions came, Foreign Minister MATSUOKA found  
2 that industry and high navy leaders were in favor  
3 of its serious consideration. MATSUOKA, ignoring  
4 economic circles, convinced the navy that the activist  
5 group of young officers in both services would resist  
6 the policy. He drafted an interim reply which was  
7 approved by KONOYE, HIRANUMA, the Army Chief of Staff,  
8 and other participants. He also on May 6, 1941,  
9 communicated through German Ambassador Ott to his  
10 fellow conspirator Ribbentrop a report on his ac-  
11 tivities and promised that he would so maneuver that  
12 the United States would be pledged to nonparticipation  
13 in the European War, which he assumed to be Hitler's  
14 aim. He, however, had meagre hopes for this to be  
15 accomplished. He had, however, made it clear through  
16 the American Ambassador to the Soviet Union that if  
17 the United States joined the war, Japan would imme-  
18 diately also join it on the side of the Axis.  
19  
20 MATSUOKA asked for the German views on the proposal.<sup>a.</sup>  
21 While the officials in Tokyo were formulating the exact  
22 proposal they were to make to the United States,  
23 NOMURA, on May 8, 1941, made a lengthy report to  
24 MATSUOKA in which, after reviewing the state of  
25 G-69. a. Ex. 1068, T. 9884-9.

American public opinion, he pointed out clearly  
1 that the United States would not recognize the new  
2 order in East Asia, would not recognize the transfer  
3 of territories acquired through aggression and was  
4 insistent on the observance of the four principles. b.

5 G-70. On May 12, 1941, following the receipt  
6 of instructions, NOMURA presented the first Japanese  
7 draft proposal. It was similar in outline and  
8 structure to the original proposal but contained  
9 important points of difference. The section on con-  
10 cepts on international relations was altered only  
11 to the extent of adding a clause whereby both would  
12 admit their responsibility to oppose oppression and  
13 exploitation of backward nations. With respect to the  
14 European War, Japan proposed a direct reference to  
15 the Tripartite Pact by stating that her obligations  
16 of military assistance under it would be applied under  
17 article 3 of the pact, on the ground that the change  
18 would clarify the relationship of the understanding  
19 to the pact. In respect to China affairs, an entirely  
20 new section was substituted which provided that the  
21 United States acknowledged the KONOYE three principles  
22 and the principles based on these set forth in the  
23 G-69. b. Ex. 2872, T. 25701, T. 25709-10.  
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1 treaty with Nanking and the Joint Declaration of  
2 Japan, Manchukuo and China. It provided that the  
3 United States, relying upon Japan's policy to establish  
4 neighborly friendship with China, would request Chiang  
5 Kai-shek to negotiate peace with Japan. It was main-  
6 tained that KONOYE's three principles of neighborly  
7 friendship, joint defense against communism and eco-  
8 nomic cooperation involved everything contained in the  
9 original. The explanation also proposed a separate,  
10 secret document or definite pledge that if Chiang did  
11 not accept United States advice to negotiate, the  
12 United States would discontinue her assistance to him.  
13 They also deleted any reference to large-scale immigra-  
14 tion to China because it might give the mistaken im-  
15 pression that the United States was trying to dictate  
16 to Japan, but they assured the United States that  
17 Japan in fact accepted this stipulation. The section  
18 on naval and aerial forces was deleted because this  
19 could be better handled after an understanding was  
20 reached. For the same reason the gold credit clause  
21 was deleted. With respect to political stabilization  
22 in the Pacific, the matter of refusing to acquiesce in  
23 a transfer of Southwest Pacific territory was dropped;  
24 a stipulation was added that the Philippines should  
25 remain neutral and not discriminate against Japanese;

and the phrase "and to the Southwest Pacific" was

1 dropped from the immigration clause. The stipulation  
2 for a conference was dropped. Japan thought it better  
3 to do this by an exchange of letters between the  
4 President and Premier when both nations deemed it  
5 useful to hold the conference. <sup>a.</sup>

6  
7 G-71. On May 16, 1941, Mr. Hull made cer-  
8 tain suggestions for changes in the draft plan. As  
9 to the European War question, he suggested that  
10 Japan's obligations of military assistance under the  
11 Tripartite Pact be spelled out and that Japan declare  
12 that she was under no commitment under the Axis  
13 Alliance or otherwise which was inconsistent with the  
14 terms of the declaration of policy agreed upon between  
15 Japan and the United States. For the settlement of  
16 the China question he substituted a provision similar  
17 to the original private draft under which, on the  
18 conclusion of the agreement the President would suggest  
19 to both Japan and China that they negotiate to termi-  
20 nate hostilities on the basis of neighborly friendship,  
21 mutual respect of sovereignty and territories, with-  
22 drawal of Japanese troops according to an agreed  
23 schedule, no annexation or indemnity, equality of  
24 commercial opportunity fair to all, parallel measures  
25 G-70. a. Ex 1070, T. 9891, T. 9894-9903.

of defense against external subversive activities and  
1 friendly negotiations on the future of Manchuria. On  
2 the matter of economic activity in the Southwest  
3 Pacific, Hull stated the matter in terms of the  
4 activities and cooperation of both nations.<sup>a.</sup>

5 G-72. While Hull was endeavoring to reach with  
6 NOMURA a satisfactory solution of outstanding problems,  
7 MATSUOKA was busily giving ample additional proof that  
8 he was directing the negotiations on the part of Japan  
9 insincerely and solely for purposes of delay. On  
10 May 18, 1941, through Ambassador Ott, Germany complained  
11 to MATSUOKA about his opening negotiations without,  
12 waiting for Germany's views on the matter and demanded  
13 that America must give clear assurance not to partici-  
14 pate in the European War and that the provision men-  
15 tioning the Tripartite Pact in the Japanese draft be  
16 the absolute minimum demanded. Germany further de-  
17 manded that she be immediately informed of the United  
18 States reply and that she be admitted to all further  
19 negotiations. MATSUOKA immediately promised him that  
20 Japan would not desert the Tripartite Pact and assured  
21 him further that at a secret cabinet meeting, it was  
22 agreed on MATSUOKA's insistence to acknowledge Japan's  
23 obligations under the pact. Furthermore, he regarded  
24 G-71. E. Ex. 1071. T. 9904-7.  
25



1 the negotiations skeptically and counted on the  
2 United States entering the war shortly. His motive  
3 was only to postpone or prevent United States entry  
4 into the war and to prevent increase of assistance  
5 to England. He agreed to report to Germany.<sup>a.</sup>

6 G-73. If MATSUOKA, himself, had really  
7 been in favor of settling the disagreements with the  
8 United States, others of the conspirators were  
9 adamantly opposed lest it endanger the objective  
10 of the conspiracy. On May 20, 1941, the day after  
11 MATSUOKA had explained to Ott the real purposes for  
12 which he had entered the negotiations, OSHIMA,  
13 Ambassador in Germany and the most active agent in  
14 Japanese-German collaboration for aggression, sent  
15 MATSUOKA three telegrams in which he diplomatically,  
16 but bitterly, complained of MATSUOKA's failure to  
17 advise him of the initiation of the negotiations,  
18 leaving him to find out about it from his German  
19 conferees. OSHIMA further advised MATSUOKA of the  
20 official German reaction of dissatisfaction and that  
21 the explanations which he had tried to make were not  
22 entirely satisfactory to the Germans. He pointed out  
23 the dangers to Japan both at home and abroad in  
24 continuing the negotiations and cautioned MATSUOKA to  
25 G-72. a. Ex. 1073. T. 9910-2.

1 insist on two points, if concluding the agreement was  
2 unavoidable. The first condition was that Japan must  
3 uphold the principle that she was to facilitate the  
4 Axis battle against Britain and must demand that  
5 America be neutral, but must make it clear that Japan  
6 had an obligation under the Tripartite Pact to par-  
7 ticipate in the war. The second condition was that  
8 Japan must be completely frank with Germany and  
9 Italy and exchange opinions with them.<sup>a.</sup> The follow-  
10 ing day, OSHIMA again telegraphed and demanded that  
11 the agreement be sent beforehand to the Japanese  
12 military and naval attaches in Germany, because it  
13 affected their plans greatly.<sup>b.</sup>

14 G-74. In the meantime the negotiations con-  
15 tinued. On May 28, 1941, the day after Roosevelt  
16 declared an unlimited national emergency, Hull and  
17 NOMURA met again. In the conversation it became more  
18 and more clear that two of the great stumbling blocks  
19 to reaching an agreement lay in the divergence of  
20 views as to the extent of Japan's obligation under  
21 the Tripartite Pact and the solution of the China  
22 question. Hull emphasized that unless Japan clarified  
23 its attitude on its obligations under the pact, if the  
24 G-73. a. Ex. 1075, T. 9918-32.  
25 b. Ex. 1076, T. 9933-4.

1 United States was drawn into the European War through  
2 action in the line of self-defense, there would be no  
3 assurance as to Japan's position.<sup>a.</sup> On May 31, 1941,  
4 the United States submitted to Ambassador NOMURA a  
5 revision of the proposed agreement and accompanied  
6 it with an oral statement of explanation. The new  
7 proposal provided for a complete revision of the  
8 section relating to the attitudes of the two countries  
9 toward the European war. Japan would state that the  
10 purport of the Tripartite Pact was defensive to pre-  
11 vent an extension of the European War and that its  
12 provisions did not apply to a nation becoming involved  
13 in the war in self-defense; and the United States would  
14 state that its attitude would be determined solely  
15 by considerations of protection, self-defense and  
16 national security. In an annex to the oral statement  
17 the United States elaborated on its attitude toward  
18 Hitler's conquests and pointed out that any fight by  
19 the United States against him would be one of self-  
20 defense. With respect to China the section was also  
21 rewritten to retain its underlying meaning. It pro-  
22 posed a provision that upon Japan communicating to the  
23 United States her terms to China, which would be in  
24 harmon' with KONOYE's principles, the United States  
25 G-74. a. Ex. 1077, T. 9935-6.



1 would suggest to China that it enter into negotia-  
2 tions with Japan to terminate hostilities and resume  
3 peaceful relations. In a separate annex the terms to  
4 be submitted were set forth and were the same as sug-  
5 gested by Hull on May 16, 1941. There was to be  
6 further discussion of cooperation against communism  
7 and stationing of troops. There were other modifications  
8 which for the purposes of this case are of little  
9 substantial importance. <sup>b.</sup> On the same day, Hull told  
10 NOMURA that at some proper time prior to any definitive  
11 discussion, he would talk over in strict confidence  
12 with China the general subject matter of the conversa-  
13 tions, especially as they related to China. <sup>c.</sup>

14 G-75. In the meantime, while the United  
15 States had been framing and presenting its counter-  
16 proposal, MATSUOKA had been continuing his loud talk-  
17 ing to such an extent that Hull on June 2, 1941, was  
18 led to inquire of NOMURA whether Japan seriously and  
19 earnestly desired to enter into a settlement for the  
20 Pacific or was merely seeking a way to get out of  
21 China while otherwise going forward with methods and  
22 practices contrary to the principles underlying the  
23 settlement. NOMURA assured him that a fair and earnest  
24 G-74. b. Ex. 1078, T. 9938-46; Ex. 1079, T. 9948-59.  
25 c. Ex. 1080, T. 9960.

a.  
settlement was desired.

1  
2 G-76. On June 4, 1941, a conversation took  
3 place between members of the Staff of the Department  
4 of State and members of the Japanese Embassy Staff  
5 to work out the points of difference in the Japanese  
6 and American proposals. Colonel IWAKURO stated that  
7 Japan was prepared to drop from its draft the sugges-  
8 tion that the United States would not resort to any  
9 aggression aimed to assist one nation against another,  
10 if the United States would drop from its draft the  
11 provision that the Tripartite Pact did not apply to  
12 involvement through acts of self-defense. With  
13 respect to China the Japanese proposed a new formula  
14 that the President suggest to Chiang Kai-shek that  
15 he enter negotiations with Japan on the basis of the  
16 KONOYE principles and their practical application to  
17 avoid giving the idea that there was any American  
18 mediation. The Japanese also offered an alternative  
19 formula to be used to the effect that since Japan had  
20 announced the terms on which she would propose settle-  
21 ment of the China conflict, which were declared to be  
22 in harmony with the KONOYE principles, the President  
23 would suggest to China that she and Japan negotiate.  
24 The matter of which Chinese Government would deal  
25

G-75. a. Ex. 1081. T. 9961-2.

1 with was to be left to the Chinese. In the annex  
2 proposing terms of peace the Japanese desired to  
3 include a provision for cooperative defense against  
4 communism and the stationing of troops to eliminate  
5 the economic cooperation provision and to substitute  
6 a provision of recognition of Manchukuo instead of one  
7 requiring amicable relations in regard thereto. Other  
8 changes of varying importance on trade and political  
9 matters in the Pacific were also discussed.<sup>a.</sup>

10 G-77. Having considered the suggestion  
11 made by the Japanese on the 4th, on June 6, 1941,  
12 Hull told NOMURA that the Japanese revisions appeared  
13 to have gradually narrowed down the extent of advance  
14 toward a liberal policy and carried the negotiations  
15 away from the fundamental points the United States  
16 believed to be involved. The revisions and recent  
17 manifestations of Japan's attitudes revealed three  
18 tendencies: (1) Stressing of Japan's alignment with  
19 the Axis; (2) avoiding indicating clearly any inten-  
20 tion to place Japan's relations with China on a basis  
21 which would contribute to peace and stability in the  
22 Far East; and (3) veering away from clear-cut com-  
23 mitments on policies of peace and non-discriminatory  
24  
25 G-76. a. Ex. 1083, T. 9965-78.



a.  
1 treatment.

2 G-78. Notwithstanding Mr. Hull's warning  
3 and understanding of Japanese tactics, NOMURA, on  
4 June 15, 1941, submitted a new draft revision embody-  
5 ing the suggestions on which Hull had expressed his  
6 disapproval.<sup>a</sup> On June 21, 1941, Hull handed NOMURA  
7 an American revision substantially the same as the  
8 earlier American draft with certain amendments. The  
9 two chief amendments concerned the Tripartite Pact  
10 and the China conflict. It was proposed that in lieu  
11 of the annex proposed in the May 31 draft that there  
12 be an exchange of letters in one of which the United  
13 States would state that she had explained to Japan her  
14 policy toward war and self-defense and that she would  
15 like to have Japan express, with regard to measures  
16 the United States might have to adopt for her own  
17 security, that Japan had no commitment requiring her  
18 to take any action contrary to the fundamental ob-  
19 jective of the agreement. To this Japan would reply  
20 that she understood the United States attitude and  
21 that with respect to these measures she had no commit-  
22 ment to take action contrary to the objective of the  
23 agreement. The matter of economic cooperation with  
24

25 G-77. a. Ex. 1085, T. 9982-3.  
G-78. a. Ex. 1087, T. 9988-95.

1 China, it was proposed, should be made after all  
2 other points had been worked out, and Hull would  
3 write to Japan asking for confirmation of certain  
4 oral statements made by Japan on various economic  
5 matters.<sup>b.</sup>

6 G-79. At the time of delivering this new  
7 revision, Hull told NOMURA that accumulating evi-  
8 dence showed that some influential Japanese leaders  
9 were committed to Germany and her policy and wanted  
10 to fight the United States if she went to war with  
11 Hitler. So long as these leaders had this attitude,  
12 it was illusory to expect that the adoption of the  
13 Japanese proposal offered a basis for substantial  
14 results. Another source of misgiving was that Japan  
15 wanted to include a provision allowing her to station  
16 troops in Inner Mongolia and North China. This in-  
17 volved the right of a third country, and in view of  
18 United States principles she could not associate her-  
19 self with that idea. He had, therefore, come to the  
20 conclusion that the United States must wait for a  
21 clear indication from Japan to pursue a course of  
22 peace and hoped that she would do so.<sup>a.</sup>

23 G-80. While the diplomatic conversations  
24

25 G-78. b. Ex. 1092, T. 10008-19.  
C-79. a. Ex. 1091, T. 10001-3.

were taking place between Hull and NOMURA, events were

1 happening in Japan and elsewhere in the world which  
2 further complicated and obstructed the path to a  
3 peaceful solution and introduced new problems which  
4 led to a breakdown in the negotiations and eliminated  
5 whatever chances the conversations might have had  
6 for a successful conclusion. On June 6, 1941,

7 OSHIMA advised that Hitler had told him that Germany  
8 had decided to attack the Soviet Union and had inti-  
9 mated, without saying, a desire for Japan's partici-  
10 pation in the war. At first this message was not  
11 given much credence, both MATSUOKA and TOJO being  
12 inclined to believe that the chances for a German-  
13 Soviet agreement were better than those for war. a.

14 However, as the time passed it became manifest that  
15 OSHIMA's information was correct. Again the conspira-  
16 tors divided on the question of proper timing. The  
17 conspirators split as to what action should be taken  
18 by Japan when the German-Soviet war broke out. On  
19 or about June 11, 1941, UMEZU, then commanding the  
20 Kwantung Army, had expressed his views and welcomed  
21 the Japan-Soviet neutrality pact, while recognizing  
22 that Japan's attitude must change when German-Russian  
23 relations altered due to the Tripartite Pact. b.

24 G-80. a. Ex. 1084, T.9979-81; b. Ex.1086, T. 9987.  
25



1 KIDO, KONOYE, and HIRANUMA were opposed to Japan's  
2 entry into a German-Soviet war at that time, while  
3 MATSUOKA and OSHIMA were both in favor of invoking  
4 the provisions of the Tripartite Pact.<sup>c.</sup> SHIRATORI  
5 too favored this latter view.<sup>d.</sup> Even before the war  
6 broke out it was feared that the Premier-Foreign  
7 Minister split would lead to the downfall of the  
8 cabinet. When the war broke out on June 22, 1941,  
9 between Germany and Russia, the KIDO-KONOYE, HIRANUMA  
10 group of conspirators headed off the MATSUOKA faction  
11 by KIDO advising the Emperor to impress upon MATSUOKA  
12 his desires to have matters handled through Premier  
13 KONOYE and through Careful consultation with him. In  
14 view of the warning, the Emperor, after the audience  
15 with MATSUOKA, was quite worried that the latter's  
16 policy would mean Japan's advance to both the north  
17 and south simultaneously, and it was doubtful whether  
18 Japan's national strength was sufficient. MATSUOKA,  
19 however, took some heed of the warning and stated at  
20 this time, after consultation with KONOYE, that his  
21 plan was one for the future, not to be put into  
22 immediate action.<sup>e.</sup>

24 G-80. c. Ex. 1093, T. 10021-2.

d. Ex. 1113, T. 10157-8.

25 e. Ex. 1084, T. 9979-81.

1 G-81. The group of conspirators represented  
2 by KONOYE, KIDO, and HIRANUMA were properly worried  
3 because for some time all the conspirators had been  
4 actively engaged in developing their program for ex-  
5 pansion toward the south, and the MATSUOKA program  
6 for war against the Soviet threatened the potential  
7 success of the plan. The program for advance to the  
8 South clearly contemplated further aggressive action  
9 and involved the danger of conflict with Britain and  
10 the United States. It was to become another obstacle  
11 in the way of a peaceful settlement with the United  
12 States and reflected the insincerity of the conspira-  
13 tors in handling the negotiations. All during the  
14 months of April, May, and June, Liaison Conferences,  
15 which had gone on during the first quarter of the  
16 year, were continued between the cabinet and the High  
17 Command on this matter. Attending practically all  
18 meetings were the conspirators KONOYE, TOJO, MATSUOKA,  
19 HIRANUMA, NAGANO, MUTO, and OKA.<sup>a.</sup> On June 25, 1941,  
20 a decision had been reached regarding the entry of  
21 Japanese troops into French Indo-China and was reported  
22 to the Emperor by KONOYE, NAGANO, and SUGIYAMA.<sup>b.</sup>  
23  
24 G-82. The conspirators in favor of intervention  
25 G-81. a. Ex. 1103, T. 10060-3; b. Ex. 1095, T. 10025-8.

1 in the German-Soviet War began to apply pressure to  
2 obtain Japan's declaration of war against the Soviet.  
3 In Germany, OSHIMA agreed to influence his government  
4 to effect speedy military action against the Soviet.  
5 Ambassador Ott in Tokyo was instructed to act likewise  
6 by advising the Japanese that they had a unique  
7 opportunity for the new order in East Asia by going  
8 to war with the Soviet. After the elimination of  
9 Soviet power in Asia, the solution of the China  
10 question would have no difficulty. Japan was not  
11 ready to move toward Singapore, and action against  
12 the Soviet would protect her rear. This would be  
13 the best way of convincing the United States not to  
14 participate in the European War.<sup>a.</sup> However, Ott dis-  
15 covered that KONOYE and his group had come to the  
16 conclusion that nothing must be done which would injure  
17 Japan's military position in China and that Japan  
18 should tighten her grip on French Indo-China.<sup>b.</sup>  
19

20 G-83. Regardless of the ultimate decision on  
21 the directions of Japan's aggressive moves, prepara-  
22 tions for carrying them on were being made by the  
23 conspirators. President SUZUKI of the Planning Board  
24 and TOJO were working on the unification and reinforce-  
25 ment of the Imperial General Headquarters, the highest  
G-82. a. Ex. 1096, T. 10031-3; b. Ex. 1097, T. 10034-6.



1 military organ in time of war. On June 28, 1941,  
2 TOJO was able to report on the strengthening of that  
3 body and that arrangements had been made for it to  
4 meet every day at the palace.  
5

6 G-83. a. Ex. 1094, T. 10024; Ex. 1098, T. 10037.  
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1 G-84. A decision having been made by the  
2 Liaison Conference to advance to the south by tightening  
3 the grip on French Indo-China and with a number of the  
4 conspirators clamoring for starting war against the  
5 Soviet, it was decided to finally dispose of the matter  
6 by calling an Imperial Conference in the presence of  
7 the Emperor, the decision of which would be binding and  
8 final. Since the principal matter involved the  
9 stationing of troops in French Indo-China, the matter  
10 was brought up by War Minister TOJO after the agenda  
11 and policy had been decided upon with KONOE and  
12 MATSUOKA and had received the approval of the Liaison  
13 Conference.<sup>a.</sup> On July 2, 1941, Premier KONOE, Foreign  
14 Minister MATSUOKA, War Minister TOJO, Navy Minister  
15 OIKAWA, Finance Minister KAWADA, President of the Plan-  
16 ning Board SUZUKI, Home Minister HIRANUMA, Chief of  
17 the Army General Staff SUGIYAMA, Chief of the Naval  
18 General Staff NAGANO, Chief Cabinet Secretary TOMITA,  
19 Director of the Navy Affairs Bureau OKA, Vice-Chief  
20 of the Army General Staff TSUKADA, Vice-Chief of the  
21 Naval General Staff KONDO and President of the Privy  
22 Council HARA met in the presence of the Emperor.<sup>b.</sup>

24 G-85. The Imperial Conference decided that  
25 regardless of any change in the international situation

(G-84. a. Ex. 1110A, T. 10152, Ex. 1123, T. 10181.

b. Ex. 1107, T. 10140.)

1 Japan would adhere to establishing the Greater East  
2 Asia Co-Prosperity Sphere, would continue the China  
3 Incident and move to the south to establish a basis  
4 for self-existence and self-defense. Further pressure  
5 was to be made on the Chiang regime through the southern  
6 regions, and at the proper time Japan would exercise  
7 her rights of war against China. Japan would continue  
8 negotiations with relevant nations in the south and  
9 would take other measures. Japan would follow out her  
10 schemes against French Indo-China and Thailand as planned.  
11 She would not hesitate to go to war for this purpose  
12 with Britain and the United States. While the Tripartite  
13 Pact would govern Japan's views on the German-Soviet  
14 war, she would not intervene but would arm and continue  
15 negotiations, taking up arms if that war went favorably.  
16 All these measures had to be carried out so that it  
17 would not be difficult to maintain Japan's basic position  
18 for a war with Britain and the United States. Japan  
19 would do her utmost to prevent United States partici-  
20 pation in the European war through prearranged diplomatic  
21 measures and otherwise, but if the United States did  
22 participate Japan would follow the Tripartite Pact  
23 deciding independently the time and method.<sup>a.</sup> As well  
24 expressed by KONOE, while the leaders of Japan were  
25 (G-85. a. Ex. 588, T. 6566-9.)



1 able to set aside the insistent demands for an immediate  
2 war with the Soviet Union, they had to decide upon the  
3 armed occupation of French Indo-China as a consolation  
4 prize.<sup>b.</sup> It was further recognized that the negotiations  
5 with the United States might break down, but in that  
6 event the matter was to be prolonged until Japanese  
7 troops had entered French Indo-China.<sup>c.</sup> With this  
8 decision the assurances given by NOMURA that Japan had  
9 no intention of moving to the south became meaningless.  
10 It also signified that there could be no hope for  
11 settling the two obstacles to United States-Japan  
12 Agreement, the China Incident and the Tripartite Pact.

13 G-86. As the negotiations with France were  
14 getting under way in accordance with the decision of  
15 the Imperial Conference, a new crisis developed among  
16 the conspirators. The proposal of the United States  
17 of June 21, 1941, had not yet been answered. MATSUOKA  
18 had become incensed and desired to wire instructions  
19 to NOMURA to reject Hull's oral statement of June 21  
20 to be followed later by a revised formula prepared by  
21 MUTO and OKA. KONOE, on the other hand, desired that  
22 both the protest and the new formula go forward together  
23 lest the United States take the rejection of the oral  
24 (G-85. b. Ex. 2877, T. 25727.  
25 c. Ex. 2866, T. 25674-5.)

statement to imply a discontinuance of negotiations.  
1 Notwithstanding the Premier's opposition to his plan,  
2 MATSUOKA wired instructions to NOMURA.<sup>a.</sup> This immediately  
3 precipitated a cabinet crisis involving either a resig-  
4 nation en masse or the resignation of MATSUOKA as  
5 Foreign Minister. This latter course was deemed in-  
6 expedient because it might appear that MATSUOKA's  
7 resignation was due to pressure from the United States  
8 which would have a bad effect, and it was decided to  
9 have the cabinet resign en masse. Accordingly on  
10 July 16, 1941, the second KONOE Cabinet resigned, and  
11 KIDO was instructed to call a meeting of the Senior  
12 Statesmen to recommend a successor Premier.<sup>b.</sup> On the  
13 17th, KIDO met with former Premiers WAKATSUKI, OKADA,  
14 ABE, YONAI, HAYASHI and HIROTA. Out of the entire group  
15 HIROTA alone, stressing the reinforcement of Imperial  
16 General Headquarters, urged the formation of a military  
17 cabinet, but on learning from KIDO that Imperial Head-  
18 quarters was meeting daily in the palace, he consented  
19 to making unanimous the decision of the rest that the  
20 mandate again be given to Prince KONOE. The members  
21 of the third KONOE Cabinet remained substantially the  
22 same as before, with TOJO remaining as War Minister.

23 (G-86. a. Ex. 1115, T. 10162-3.  
24 b. Ex. 1115, T. 10163-4; Ex. 1116, T. 10165.)  
25

KIMURA became Vice-Minister of War; SUZUKI became a  
1 Minister of State while retaining the presidency of  
2 the Planning Board; HIRANUMA ceased to be Home Minister  
3 but remained on as Minister of State; Admiral TOYODA,  
4 Teijiro, became Foreign Minister.<sup>c.</sup>

5 G-87. The new cabinet, having eliminated  
6 MATSUOKA, continued the policy of the old with respect  
7 to French Indo-China, and notified Germany that Japan's  
8 policy would continue to rest on the basis of the  
9 Tripartite Pact and that there would be no change in  
10 Japan's attitude toward Germany and Italy.<sup>a.</sup> On July 21  
11 the new cabinet agreed that the Premier, Foreign  
12 Minister and other ministers should meet with the War  
13 and Navy Ministers and the High Command to exchange views  
14 and make national policies.<sup>b.</sup> On July 20, Japan came  
15 to an agreement with Vichy on the question of occupying  
16 bases in French Indo-China and proceeded to work out  
17 with Vichy the protocol to effectuate the agreement.  
18

19 G-88. As soon as rumors of the demands upon  
20 Vichy became known in Washington, they were immediately  
21 brought to NOMURA's attention by the Department of State.  
22 It was pointed out that such movements were inconsistent  
23 with the current conversations, and information on the  
24

25 (G-86. c. Ex. 1117, T. 10166-8.  
G-87. a. Ex. 1118, T. 10170-1.  
b. Ex. 1103, T. 10172.)



1 facts was requested.<sup>a.</sup> On July 23, the matter had  
2 become so serious that NOMURA, fearing that diplomatic  
3 relations might be severed, wired for instructions.  
4 He pointed out that American public opinion toward  
5 Japan was changing rapidly, the people considering  
6 Japan's southern advance only the first step to Singapore  
7 and the Netherlands East Indies. Some Americans were  
8 stating that Hull was being deceived, since Japan was  
9 planning the southward advance while negotiating in  
10 Washington. The matter was also further complicated  
11 by reports from Tokyo that the United States negotiations  
12 were to be "torpedoed" in Tokyo and that Japan had  
13 explained to the Axis that the negotiations were only  
14 a stratagem to complete preparations for the southward  
15 advance.

16 <sup>b.</sup> On the same day, NOMURA attempted to explain  
17 to Under Secretary Welles that Japan's action was  
18 necessary to secure an uninterrupted source of supply  
19 and to ensure against military encirclement. Welles,  
20 after pointing out that the proposed agreement would  
21 given Japan much greater security than occupation of  
22 French Indo-China and that the United States was  
23 opposed to encirclement as a policy, replied bluntly  
24 that the United States had to regard this action as

25 (G-88. a. T. 10760; Ex. 2879, T. 25732-3.  
b. Ex. 1120, T. 10176-8.)

final notice that Japan was taking the last step toward  
 1 a policy of expansion and conquest in the South Seas  
 2 and therefore could see no basis for continuing the  
 3 discussions.<sup>c.</sup> On July 26, 1941, TOYODA made an expla-  
 4 nation to Grew similar to that of NOMURA to Welles.  
 5 He explained that Japan had undertaken the joint defense  
 6 of French Indo-China as a precautionary measure against  
 7 the reports of an encircling of French Indo-China which  
 8 would be a menace to the area so indispensable in  
 9 prosecuting the China Affair and the securing of neces-  
 10 sary resources. He warned that if the United States  
 11 took a provocative attitude based on doctrinaire and  
 12 theoretical principles, Japan might be forced to take  
 13 counter-measures which would not be conducive to the  
 14 maintenance of friendly relations.<sup>d.</sup> Less than a month  
 15 later, on August 18, 1941, TOYODA abandoned encircle-  
 16 ment as a reason for the move and stated that it had  
 17 been done exclusively for settling the China Affair.<sup>e.</sup>

19 G-89. In an effort to avert the Japanese  
 20 movement and a breakdown in conversations, on July 24  
 21 President Roosevelt proposed to Japan that French Indo-  
 22 China become a neutralized country giving Japan the  
 23 fullest and freest opportunity of assuring a source  
 24 of food, supplies and other materials which Japan  
 25 (G-88. c. T. 10760. e. Ex. 2891, T. 25789.)  
 d. Ex. 2833; T. 25753-5.

1 claimed she was seeking. This offer was not accepted.<sup>a.</sup>  
2 Instead, the agreement and protocol were pushed to a  
3 conclusion, publicly announced and Japan moved her  
4 troops into French Indo-China. Regarding this action  
5 as an aggravated, overt act increasing greatly the risk  
6 of war and realizing that the United States and others  
7 were confronted not with a question of avoiding that  
8 risk but with the problem of preventing a complete under-  
9 mining of their security, President Roosevelt, in order  
10 to make a definite and clear move in self-defense of  
11 the United States, on July 26, 1941, froze all Japanese  
12 assets in the United States and brought under control  
13 all financial and trade transactions in which Chinese  
14 and Japanese interests were involved. Britain and  
15 the Netherlands followed suit. As a result, all trade  
16 between Japan and the United States virtually ceased.<sup>b.</sup>  
17 That American fears were not unjustified is brought out  
18 by the fact that when Japan attacked the United States,  
19 she also made an attack from Saigon in French Indo-  
20 China toward the east coast of Thailand supported by  
21 aircraft based in the area.<sup>c.</sup>

23 G-90. During the month of August the group  
24 of conspirators who were anxious to obtain sanction for  
25 (G-89. a. T. 10762.  
b. T. 10762-3.  
c. Ex. 1124A, T. 10183-4.)



Japan's aggressive designs through negotiations with  
1 the United States became frightened. On July 31, 1941,  
2 NAGANO, Chief of the Navy General Staff had told the  
3 Emperor that so long as the Tripartite Pact, to which  
4 he was opposed, continued in existence, Japanese-American  
5 relations could not be adjusted, and if they were not  
6 adjusted, due to Japan's lack of a sufficient oil supply,  
7 Japan would have to take the initiative in operations  
8 and in his opinion Japan's chances for victory were  
9 very slim. <sup>a.</sup> While KIDO disagreed with NAGANO on the  
10 Tripartite Pact and stated that there were several means  
11 yet to be tried with the United States, <sup>b.</sup> both he and  
12 KONOE were strongly disturbed by the oil question and  
13 its effect on Japan's chances in the event of war. <sup>c.</sup>  
14 The matter was further complicated because of a dis-  
15 agreement between the War and Navy Ministers and the  
16 rest of the government. <sup>d.</sup> KIDO and KONOE had come to  
17 the conclusion that Japan's lack of oil was so critical  
18 that there would be an acute national crisis if a  
19 mistake was made in diplomacy. They felt that the  
20 government and the military must come to a fundamental  
21 agreement, or the government must be turned over to the  
22 army and navy. On August 7, KIDO told KONOE his  
23  
24

25 (G-90. a. Ex. 1125, T. 10184-5. c. Ex. 1130, T. 10199.  
b. Ex. 1125, T. 10186. d. Ex. 1129, T. 10196-7

conclusion that Japan was facing a serious situation with regard to oil, and if navy figures were correct, war with the United States would be hopeless. Japan would have to get oil from the Netherlands East Indies, and if she attacked that area, it would mean war with the United States. Japan might be compelled to give in, as she did in the case of the three-power interference after the Sino-Japanese war. Japan should therefore be resolved to toil for ten years, meanwhile restoring friendly relations with the United States and maintaining her ultimate objective of an advance to the south through a ten-year plan. At any rate, Japan must decide her national policy by holding a conference without loss of time with army and navy leaders.<sup>e.</sup>

G-91. Completely worried by the situation, KONOE attempted two tactics of great importance. He began a series of Liaison Conferences, which led to his petition to the throne on September 5 for an Imperial Conference. During the month of August he attempted to reopen the negotiations with the United States.

G-92. On August 14, 1941, KONOE proposed to TOJO and OIKAWA that he, KONOE, meet with President Roosevelt and express boldly Japan's bold intention. He would be prepared to break off talks and return home (G-90. e. Ex. 1130, T. 10199-203.)

1 if Roosevelt still did not understand. This would be  
2 carried out while they would be fully preparing for war.  
3 He stated that through such attempt, if it failed, the  
4 people would understand that war was unavoidable.  
5 While the Navy Minister readily agreed, TOJO opposed  
6 on the grounds that it would weaken diplomatic relations  
7 based on the Tripartite Pact and would create a con-  
8 siderable public stir. However, although he felt the  
9 meeting to be unsuitable and very likely to fail, he  
10 stated that the army would not necessarily disagree  
11 if KONOE intended to attend the meeting determined to  
12 firmly support the basic principles in the Empire's  
13 Revised Plan to the "N" Plan and to carry out a war  
14 against the United States in case the President failed  
15 to understand Japan's true intentions.<sup>a.</sup> Thus, at the  
16 very moment that KONOE first suggested to his colleagues  
17 the idea of his meeting with Roosevelt, TOJO, the man  
18 who held the key to the situation and without whose  
19 consent no agreement with the United States could be  
20 made, had expressed, if not his opposition, his lack  
21 of faith in the project. It is clear that in giving  
22 his half-hearted consent to the plan, TOJO did so only  
23 as a desire to get those of the conspirators like  
24 KONOE, who hoped to attain Japan's objective through  
25 (G-92. a. Ex. 2866, T. 25767-71.)



1 negotiations, committed to his policy of aggressive  
2 war.

3 G-93. On August 7, encouraged by the  
4 Emperor's view that the meeting should take place as  
5 soon as possible, in view of the embargo, KONOE took  
6 steps to initiate the plan, and instructions were  
7 sent to NOMURA. <sup>a.</sup> On August 8, 1941, NOMURA, pursuant  
8 to instructions, inquired whether it would not be  
9 possible for the heads of both governments to meet and  
10 discuss means for reaching an adjustment of views.

11 After reviewing the steps leading to discontinuance  
12 of the former conversations, Hull replied that Japan  
13 must decide whether it could find means of shaping its  
14 policies along lines which would make it possible to

15 adjust views. <sup>b.</sup> On August 16, 1941, NOMURA advised  
16 Foreign Minister TOYODA that relations with the United  
17 States were critical and the next movement by Japan,  
18 such as an advance into Thailand, might lead to sudden

19 change. <sup>c.</sup> On August 17, 1941, Roosevelt replied to  
20 NOMURA's inquiry and stated that if Japan felt it  
21 could suspend its expansionist activities, readjust  
22 its position and embark on a peaceful program along

23 (G-93. a. Ex. 2866, T. 25771; Ex. 2887, T. 25772-5.  
24 b. T. 10763.  
25 c. Ex. 1131, T. 10202-3.)

1 the line of United States principles, the United  
2 States would consider continuing the interrupted,  
3 informal, exploratory discussions. However, in view  
4 of the nature of the interruption, it would be helpful  
5 before proceeding with plans for a meeting if Japan  
6 would furnish a clear statement of its attitude and  
7 plans.<sup>d.</sup> On August 27, Prince KONOE sent a message to  
8 President Roosevelt urging a meeting of the heads of  
9 the two governments to discuss all important problems  
10 between Japan and the United States covering the entire  
11 Pacific and stating many assurances, with several  
12 qualifications, of Japan's peaceful intent.<sup>e.</sup> When  
13 NOMURA delivered this personal message on August 28,  
14 1941, at the same time he delivered a governmental  
15 statement which maintained that Japan's actions were  
16 taken in self-defense and that the United States action,  
17 even if meant only for self-defense, due to the power  
18 of that nation could be taken as a continuing  
19 unfriendly pressure at variance with the conversations.  
20 It went on to state that the measures in French Indo-  
21 China were in self-defense to accelerate the China  
22 Incident and at the same time to secure Japan an  
23 equitable supply of essential materials, but Japan was  
24  
25 (G-93. d. Ex. 2889, T. 25781-2.  
e. Ex. 1245B, T. 10764.

1 prepared to withdraw her troops as soon as the China  
2 Incident was settled or there was general peace in  
3 East Asia and gave her assurance that this action was  
4 not in preparation for a military advance into neigh-  
5 boring territories. It also stated that Japan would  
6 take no military action against the Soviet Union, so  
7 long as the latter was faithful to the neutrality  
8 treaty and did not menace Manchukuo or Japan. The  
9 statement also said that Japan's fundamental policy  
10 agreed with the basic principles to which the United  
11 States was committed. f.

12 THE PRESIDENT: We will recess for fifteen  
13 minutes.

14 (Whereupon, at 1445, a recess was  
15 taken until 1500, after which the proceedings  
16 were resumed as follows:)

17  
18 (G-93. f. Ex. 1245B, T. 10764-71.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Horwitz.

4 MR. HORWITZ: May it please the Tribunal:

5 G-94. On September 3, 1941, President Roosevelt  
6 replied to KONOYE's invitation and suggested that it was  
7 desirable to take precautions to insure that the meeting  
8 between the two heads of government would be a success by  
9 trying to enter immediately into preliminary discussions  
10 of fundamental and essential questions involving prac-  
11 tical application of the fundamental principles mentioned  
12 by KONOYE. He pointed out that he could not avoid taking  
13 cognizance of the indications in some quarters in Japan  
14 of concepts, which, if widely entertained, would be able  
15 to raise obstacles to successful collaboration. <sup>a.</sup> Within  
16 the State Department it was known that the President felt  
17 that he could go to such a meeting only if he had first  
18 attained some tentative assurance that it could accom-  
19 plish something. He felt, in view of past events, that  
20 unless such a meeting produced concrete, clear-cut com-  
21 mitments for peace, Japan would distort its significance  
22 to discourage the Chinese and to hold the United States  
23 responsible for its failure. <sup>b.</sup>

24 G-95. Notwithstanding KONOYE's worry that Japan

25 (G-94. a. Ex. 1245-C, T. 10773-7.  
b. T. 10775-7.)

1 was heading toward a hopeless war with the United States  
2 and the fact that he had reopened negotiations, prepar-  
3 ations for war continued. On August 22, the Cabinet  
4 adopted the National Commodity Mobilization Plan for the  
5 second quarter of 1941-2 as proposed by President SUZUKI  
6 of the Planning Board, which had as its key points prompt  
7 expansion of armaments, an autarchical system for impor-  
8 tant resources in the Co-Prosperity Sphere and the main-  
9 tenance of a minimum standard of living. <sup>a.</sup> Beginning on  
10 September 2, the final war games were held at the Naval  
11 War College in Tokyo, participated in by top-ranking  
12 officers, which had as its two problems the working out  
13 of the details of the attack on Pearl Harbor and the  
14 establishment of a schedule of operations for occupying  
15 Malaya, Burma, Netherlands East Indies, the Philippines,  
16 the Solomons and Central Pacific Islands, including  
17 Hawaii. <sup>b.</sup> On September 5, the cabinet decided a traffic  
18 mobilization plan to place land and sea transportation  
19 on a wartime basis, and by the 7th the Railways and  
20 Communications Ministries had drafted concrete plans to  
21 carry it out. <sup>c.</sup>

22 G-96. The views expounded by TOJO expressing  
23 the army's opposition to KONOYE's meeting with Roosevelt.  
24

25 (G-95. a. Ex. 1132, T. 10204-5.  
b. Ex. 809, T. 10210; Ex. 1127-A, T. 10211-2.  
c. Ex. 1133, T. 10213-4.)



nd favoring a decision to resort to war gradually  
 1 strengthened, from the time of the United States freezing  
 2 order opposition to the negotiations was brought out into  
 3 the open. From August on, the General Staff began  
 4 advocating an immediate breaking-off of the negotiations  
 5 and an opening of hostilities. To arrive at a satisfac-  
 6 tory program KONOYE repeatedly consulted with TOJO and  
 7 OIKAWA and held numerous joint conferences in which the  
 8 "National Policy" calling for breaking-off negotiations  
 9 and the immediate opening of hostilities was discussed.  
 10 As a result, it was decided to hold an Imperial Confer-  
 11 a.  
 12 ence.

13 G-97. On September 6, 1941, the Imperial Confer-  
 14 ence petitioned for by KONOYE on the 5th took place. It  
 15 was attended by KONOYE, TOYODA, TOJO, OIKAWA, OGURA,  
 16 SUZUKI, TANABE (Home Minister), SUGIYAMA, NAGANO, TOMITA,  
 17 MUTO, OKA, TSUKUDA, ITO (Vice-Chief of Navy General  
 18 Staff) and HARA of the Privy Council. a. At this meeting,  
 19 in which the Emperor's questions, put through HARA, were  
 20 b. unanswered, it was decided that in order to secure self-  
 21 existence and self-defense, Japan, with a determination  
 22 for war with the United States, Britain and the Nether-  
 23 lands would complete her preparations by the end of

24 (G-96. a. Ex. 2866, T. 25809.  
 25 G-97. a. Ex. 1107, T. 10216-7.  
 b. Ex. 1135, T. 10215-6.)



1 October, but meanwhile, along with the preparations, Japan  
2 would strive to fulfill her demands through diplomatic  
3 measures. If the negotiations had no hope of being ful-  
4 filled by the beginning of October, Japan would immed-  
5 iately determine to wage war against the three powers.  
6 Measures were to be carried out according to pre-arranged  
7 national policy, and Japan would try to check the form-  
8 ing of a Russo-American combined force.<sup>c.</sup> At the close  
9 of the meeting, the Emperor urged that wholehearted  
10 efforts be made in diplomatic negotiations with the  
11 United States.<sup>d.</sup> At this meeting the chief conspirators  
12 then holding important office had made clear to them-  
13 selves, if not to the world, that Japan's aggressive  
14 demands would be met in the negotiations, or she would  
15 fight to carry out her objective.

16 G-98. On the same day as the Imperial Confer-  
17 ence had decided to go to war if Japan could not obtain  
18 her demands through negotiations, NOMURA presented to  
19 Hull a new proposal much narrower than the assurances of  
20 August 28.<sup>a.</sup> This plan stated that Japan would express  
21 concurrence in matters already agreed upon tentatively;  
22 she would not make any military advances from French  
23 Indo-China against adjoining areas; the attitude of  
24

25 (G-97. c. Ex. 588, T. 10217-8.

d. Ex. 1135, T. 10216.

G-98. a. Ex. 1245-D, T. 10778.)

1 both countries toward the European war would be decided  
2 by protection and self-defense, and if the United States  
3 participated in the war, Japan's interpretation of her  
4 obligation would be independently decided; Japan would  
5 try to re-establish normal relations with China, and when  
6 this was realized, would withdraw her troops as soon as  
7 possible in accordance with agreements with China;  
8 United States activities in China would not be restricted  
9 if equitable; Japan's activities in the Southwest  
10 Pacific would be carried on peacefully and under the  
11 principle of non-discrimination; and Japan would resume  
12 normal trade relations with the United States. Japan  
13 also proposed that the United States agree to abstain  
14 from any action prejudicial to Japan in settling the  
15 China Affair, to reciprocate Japan's commitment in the  
16 Southwest Pacific, to suspend any military measures in  
17 the Far East and Southwest Pacific, and to resume trade  
18 with Japan removing all restrictions thereto. b.

19 G-99. That this new proposal was not satis-  
20 factory to the United States was soon made abundantly  
21 clear. On September 10, 1941, Hull pointed out to  
22 NOMURA that the new proposals narrowed both the spirit  
23 and the scope of the previous conversations which had  
24 dealt with a broad understanding for the entire Pacific.  
25 (G-98. b. Ex. 1245-D, T. 10778-81.)

He also stated that they failed to meet the problem of the United States with respect to the Tripartite Pact, a military alliance with a nation engaged in world conflict.<sup>a.</sup> NOMURA reported on September 12, 1941, that the difficult point of the negotiations was the problem regarding the withdrawal of Japanese troops from China and the stationing of troops there for anti-communist purposes. The United States would not accept the terms which Nanking had agreed to. It was believed that the provision of a two-years limit for evacuation in the United States proposal of June 21 was put in as a result of talks with China. NOMURA asked TOYODA for instructions on dealing with this proposal.<sup>b.</sup> To this, on September 13, TOYODA replied that he understood the United States wanted Japan to acknowledge the four fundamental principles, but even without settling the problem of evacuation, Japan could not accept this, since it would look like Japan did it because of American pressure. It seemed to him that the United States wanted to negotiate with others and revive the Nine Power Treaty. Japan, however, would not negotiate with any power except the United States and would not be drawn into any councils, although she could not prevent

(G-99. a. Lx. 2898, T. 25815.  
b. Lx. 1139, T. 10224-5.)



c.

the United States from so negotiating.

1           G-100. Since the time was growing short, the  
2 conspirators, desiring to accomplish the ends of the  
3 conspiracy through negotiations, rushed their proposals  
4 for settlement. On September 22, 1941, there was com-  
5 municated to Ambassador Grew a statement of the terms  
6 which Japan proposed to offer to China.<sup>a.</sup> These terms  
7 were substantially identical to those made in Japan's  
8 proposals in the earlier conversations (including a  
9 demand for the recognition of Manchukuo) except that it  
10 specifically provided that for purposes of co-operation  
11 against communism Japan should have the right to station  
12 troops and naval forces in certain areas in China for a  
13 necessary period to accomplish these purposes in accord  
14 with agreements and usages while all other troops sent  
15 to China for the China Incident would be withdrawn.<sup>b.</sup>

17           G-101. Three days later, on September 25, 1941,  
18 Japan presented to Ambassador Grew a complete new draft  
19 of its proposal and requested an early reply. This  
20 revision contained nothing that was not included in  
21 earlier drafts, the assurance of August 28 and the pro-  
22 posals of September 6.<sup>a.</sup> On September 27, 1941, TOYODA  
23 instructed NOMURA to meet Roosevelt promptly and

24 (G-99. c. Ex. 1131, T. 10226-7.  
25 G-100. a. T. 10792.  
          b. Ex. 1245-F, T. 10792-4.  
G-101. a. Ex. 1245-E, T. 10782-91.)

1 secretly and made a final effort to realize the meeting  
2 between Rossevelt and KONOYE. He cautioned NOMURA not  
3 to set a time limit or make a final request but pointed  
4 out that the situation was so serious as not to allow for  
5 unlimited postponement. b.

6 G-102. On October 2, 1941, Hull gave NOMURA a  
7 memorandum of an oral statement in which he reviewed the  
8 whole course of the resumed negotiations and replied to  
9 Japan's proposal of September 6. He stated: Japan's  
10 proposal showed a divergence in the concepts of the two  
11 governments; Japan's proposal and statements served to  
12 narrow and restrict the principles and Japan's assurances  
13 that she wanted to move with the United States in putting  
14 into operation a broad program to maintain peace in the  
15 Pacific; the United States found certain points in  
16 Japan's proposal inconsistent with its principles; on  
17 economic policy Japan had limited its commitments for  
18 non-discrimination to the Southwest Pacific; with  
19 respect to non-discrimination in China, the explanation  
20 tended to imply a limitation of the principle because of  
21 Japan's nearness to China; the proposed continuance of  
22 troops in certain areas of China as a condition for  
23 settlement and the withdrawal of the other forces was  
24 inconsistent with the principles discussed; the United  
25 (G-101. b. Ex. 2905, T. 25836.)

States felt that a clear manifestation by Japan to withdraw from China and French Indo-China would make known to those hostile to Japan Japan's peaceful intention; the provision on the European war went further in solving that problem but needed further clarification. Hull pointed out that the United States wanted a comprehensive agreement and what Japan had offered was a program limited by qualifications and exceptions to actual application of the principles. Until this was worked out, nothing could be gained from a meeting between the heads of the two nations.<sup>a.</sup>

G-103. After receiving this memorandum, Japan redoubled its emphasis for haste in reaching an agreement. The conspirators presented new formulas for limited special problems and stated Japan had gone as far as she could in making concessions.<sup>a.</sup> The conspirators began to exert pressure in every direction. On September 28, 1941, TOYODA disclosed his opinions on United States problems to Craigie, the British Ambassador.<sup>b.</sup> On October 7, USHIBA, KONOYE's private secretary, took up the matter with Dooman, counsellor of the United States embassy, and on October 8, TERASAKI, Chief of the American Bureau, discussed matters with

(G-102. a. Ex. 1245-G, T. 10795-807.

G-103. a. T. 10809-10.  
b. Ex. 2907, T. 25846-7.)



c. Grew. On October 13, WAKASUGI took up with Welles the  
 1 question of evacuating troops from China. d. However,  
 2 the United States felt that there was nothing in the new  
 3 formulas to show that Japan would follow a peaceful  
 4 course or would abstain from her objective -- the  
 5 domination of China and the Western Pacific. e.

6 G-104. While the negotiations were continuing,  
 7 preparations for going to war were constantly going on.  
 8 TOJO admitted that after the decision of September 6  
 9 preparations were pushed. a. On September 11, a few days  
 10 after the conference, TOJO explained to KIDO the results  
 11 of an investigation concerning preparations for war  
 12 against the United States. b. On September 12, after an  
 13 explanation by SUZUKI, the cabinet adopted a plan for  
 14 labor mobilization formulated by the Planning Board and  
 15 Welfare Ministry to increase the production of munitions. c.

17 G-105. As the beginning of October drew near  
 18 and the moment was approaching to decide on war in  
 19 accordance with the decision of September 6 because of  
 20 the failure of the diplomatic negotiations to meet Japan's  
 21 demands, certain of the conspirators became very reluc-  
 22 tant to take the final step. KONOYE, under whom the

23 (G-103. c. Ex. 2909, T. 25853; Ex. 2910, T. 25854-6.  
 24 d. Ex. 2911, T. 25856-7.  
 e. T. 10809-10.  
 25 G-104. a. Ex. 1137-A, T. 10221.  
 b. Ex. 1138, T. 10222.  
 c. Ex. 1140, T. 10228-9.)

China Incident had broken out and who had officially been  
1 the first to proclaim the new order, still thought that  
2 negotiation might achieve the desired result. As early  
3 as September 26, he admitted to KIDO that he had no con-  
4 fidence and he would have to resign if the military in-  
5 sisted on starting a war on October 15.<sup>a.</sup> Likewise HARA  
6 of the Privy Council on September 29 had advised that if  
7 the Washington parleys failed, the Imperial Conference  
8 which would make the final decision should not be too  
9 formal but should have a full discussion with the Senior  
10 Statesmen present.<sup>b.</sup> This, no doubt, was expected to  
11 act as a brake against the rashness of the conspirators  
12 urging war. By October 7 the army group was of the  
13 opinion that there was no room to continue the parleys,  
14 while the navy group, except for its field grade officers,  
15 held there was hope and wanted to continue the parleys.  
16 However, the navy group wished KONOYE to declare his  
17 position and assume leadership by speaking fully to the  
18 determined TOJO and then stating his own opinion to the  
19 War, Navy and Foreign Ministers and asking for co-  
20 operation.<sup>c.</sup>  
21  
22  
23  
24  
25

(G-105. a. Ex. 1141, T. 10230.  
b. Ex. 1142, T. 10231.  
c. Ex. 1143, T. 10233.)



1 G-106. On October 8, a new discouraging note  
2 for obtaining the demands of the conspirators by  
3 negotiations was sounded in a lengthy telegram from  
4 NOMURA. NOMURA explained at length that the United  
5 States was unanimous in its belief in the four prin-  
6 ciples as the basis for adjusting relations and was  
7 insistent that these principles be applied to con-  
8 crete problems in the Pacific. They would not take  
9 up other matters until there was unanimity on this  
10 question, because they believed it futile. The latest  
11 reply showed that they were ignoring Japan's proposal  
12 of September 25 and were sticking to their ideas.  
13 This presented a most formidable obstacle for the  
14 conspirators who hoped to achieve the objective by  
15 negotiation. On September 13, TOYODA had told NOMURA  
16 that Japan could not acknowledge the four principles.  
17 KONOE felt that he had overcome a real obstacle when  
18 he was permitted to tell Grew that the four principles  
19 were splendid as principles. There was opposition  
20 in both the Army and Foreign Ministry against agree-  
21 ing on them as principles. Japan was prepared to  
22 acknowledge equal opportunity in China only if the  
23 United States would understand Japan's peculiar geo-  
24 graphical relation to China.  
25

G-106. a. Ex. 1144-5, T. 10235-40  
b. Ex. 2903, T. 25832-3



1 G-107. By October 9, KONOE was quite uneasy  
2 about the successful outcome of the parleys, and  
3 KIDO had come to the conclusion that the decision of  
4 September 6 had been too outright and made without  
5 exhaustive discussion. KIDO felt that perhaps the  
6 decision should be reconsidered, because it was inad-  
7 visable to declare war against the United States  
8 immediately. Rather, he felt that the termination of  
9 the China Incident was the first consideration, and,  
10 if necessary, the whole military force should be used  
11 a.  
12 to complete it.

13 G-108. Armed with the decision of September  
14 6, the Supreme Command had stated it would wait until  
15 October 15 for a successful termination to the nego-  
16 tiations but no longer. KONOE thereupon called a  
17 meeting of himself, TOJO, OIKAWA, TOYODA, and SUZUKI  
18 for October 12. On the 11th, OKA told KONOE that with  
19 the exception of the Navy General Staff the brains of  
20 the navy did not want war, but could not say so be-  
21 cause of their previous approval. However, OIKAWA  
22 at the meeting would propose to leave the matter in  
23 KONOE's hands and wanted him to decide to continue  
24 diplomatic negotiations. At the meeting, TOJO stated

25 G-107. a. Ex. 1146, T. 10241-2

1 there was no hope for a successful conclusion to the  
2 negotiations. OIKAWA, in accordance with his promise,  
3 after pointing out that if diplomacy was used, they  
4 must be resolved to make it a success at all costs  
5 and not try to carry a double-barrelled policy, pro-  
6 posed to leave the matter to the decision of the  
7 Premier. TOJO refused to allow KONOE to have sole  
8 discretion in the matter but agreed to give the  
9 matter further consideration if the Foreign Minister  
10 was confident of success. TOYODA stated he was not  
11 confident of success. On two of the points, the Tri-  
12 partite Pact and economic problems in China, some sort  
13 of agreement could be reached, but on the question of  
14 stationing troops it was difficult, because the United  
15 States was demanding complete withdrawal. He suggest-  
16 ed that Japan might agree in principle to withdraw  
17 and then station them by agreement. TOJO adamantly  
18 refused to yield on the question of withdrawal of  
19 troops. Since there was some hope of success, KONOE  
20 desired to continue the negotiations, but TOJO asked  
21 him to reconsider. <sup>a.</sup>

22 G-109. On the following day, TOYODA told  
23 KONOE that unless Japan gave in on the matter of troop

24 G-108. a. Ex. 1147, T. 10246-8; Ex. 1148, T. 10251-57  
25 Ex. 2913, T. 25863-5

a. withdrawal there could be no settlement. TOYODA

1 had had prepared by YAMAMOTO, then Director of the  
2 East Asiatic Affairs Bureau, a formal opinion of the  
3 Foreign Minister in which it was stated clearly that  
4 there was no prospect of success in the negotiations  
5 on the basis of the previous proposals; that the United  
6 States would not agree unless she was assured that  
7 Japan's policy conformed to the four principles which  
8 would be practiced; there was a prospect of success if  
9 Japan should cease the further reinforcing of French  
10 Indo-China and refrain from any action which would  
11 cause suspicion that Japan had territorial aspirations  
12 there or intended a further advance by force into  
13 neighboring areas. He concluded by stating that Japan's  
14 national policy should be pursued through peaceful  
15 means and they should not resort to solution by force,  
16 which would not only contradict the fundamental prin-  
17 ciple of Japan's diplomacy, but would not contribute  
18 to the achievement of her objective. They must uti-  
19 lize peaceful means -- that is, concentrating on ad-  
20 justing United States relations -- to effect the  
21 policy followed in Manchuria, China and French Indo-  
22 China in establishing the Co-Prosperity Sphere.  
23 b.

24 G-109. a. Ex. 1148, T. 10256  
25 b. Ex. 2915, T. 25910; Ex. 2916, T. 25912-8



G-110. Just prior to the cabinet meeting on  
 1 October 14, in an effort to get TOJO to go along,  
 2 KONOE told TOJO that there was some hope for succe  
 3 if Japan yielded on the pretense and took the reality.  
 4 He pointed out the length of the China Incident and  
 5 that this was no time to extend it. He went on to  
 6 elaborate on the difficulties in entering into a war  
 7 with the United States which would accrue not only to  
 8 Japan but to the whole world. TOJO still refused to  
 9 yield on the question of withdrawal of troops. TOJO  
 10 thereafter made the same statement at the cabinet  
 11 meeting as a result of which the cabinet was deadlocked. a.  
 12 Another unsuccessful attempt was made to break the  
 13 deadlock. The army, having learned that the navy was  
 14 opposed to war, MUTO requested that the navy make a  
 15 definite statement to that effect so that the army  
 16 could control its subordinates when the Premier made  
 17 his statement. OKA stated the navy could not make the  
 18 statement but would comply with the Premier's decision. b.

20 G-111. At this time TOJO decided to settle  
 21 the matter. He sent President SUZUKI of the Planning  
 22 Board to notify KONOE that due to the navy's indef-  
 23 inite position there was a hopeless deadlock, and the  
 24 only thing left to do was to recall the decision of

25 G-110. a. Ex. 1148, T. 10258-63  
 b. Ex. 1148, T. 10263-4

September 6 and to have everyone, including the

Supreme Command, resign, letting new men take over

1 under Prince HIGASHIKUNI as Premier.<sup>a.</sup> This message

2 was also conveyed to KIDO as Lord Keeper of the Privy

3 Seal.<sup>b.</sup> After much consideration the idea of a

4 HIGASHIKUNI Cabinet was rejected as inexpedient by

5 all concerned.<sup>c.</sup>

6 G-112. Late in the afternoon of October 16

7 KONOE submitted the resignation of his cabinet.<sup>a.</sup> In

8 his letter of resignation and in his subsequent ex-

9 planation to the Senior Statesmen he stated that TOJO

10 and the army desired to go to war, while he felt

11 that the negotiations could be successful; he had been

12 unable to convince TOJO and was himself unable to take

13 the responsibility for plunging the nation into a

14 titanic war of unforeseen results when the China Inci-

15 dent had not as yet been settled; he felt that to

16 advance its national fortunes Japan must step back a

17 bit to prepare for a forward leap.<sup>b.</sup> This letter of

18 resignation clearly reflected that the conspirators

19 had split, not over accomplishing the objectives of

20 the conspiracy, but over matters of methods of and

21 timing in carrying out the conspiracy. The one group

22 111. a. Ex. 1148, T. 10265-6 G-112. a. Ex. 1151.

24 b. Ex. 1150, T. 10276 T. 10283; Ex. 1152,

25 c. Ex. 1151, T. 10282 T. 10284

b. Ex. 1152, T. 10285-7;  
Ex. 2914, T. 25866-73

1 saw in extending the aggressive action of Japan to  
2 the United States and Britain only the potential  
3 loss of all that their aggressive tactics had gained  
4 for Japan.

5 G-113. On October 17 KIDO held a Senior  
6 Statesmen's Conference attended by all the ex-Premiers  
7 and HARA of the Privy Council. KIDO stated that the  
8 important problems were revision of the decision of  
9 September 6 and the unity of the army and navy. He  
10 recommended TOJO as Premier and War Minister on active  
11 service. There was no objection and HIROTA and two  
12 of the others actively supported it. The same day  
13 TOJO received the Imperial Mandate to form a new  
14 cabinet, and OIKAWA was advised by the Emperor that  
15 unity of opinion between the army and navy was desir-  
16 able. Following this, KIDO instructed both TOJO and  
17 OIKAWA that in deciding the nation's fundamental  
18 policy they need not follow the September 6 decision,  
19 but should study carefully foreign and domestic condi-  
20 tions.<sup>a.</sup>

21 G-114. Thus, at the most critical moment,  
22 the ultimate character of the conspiracy was worked  
23 out. With full knowledge that TOJO believed that the  
24 G-113. Ex. 1154, T. 10291-2; Ex. 3340, T. 31109  
25



1 conspiracy could be finally successful only by and  
2 through new aggressive tactics involving aggressive  
3 wars against the United States and Britain to be  
4 started quickly, the conspirator KIDO, holding one of  
5 the highest offices in the Japanese government, charged  
6 with the ultimate responsibility of choosing a Premier  
7 to head the government, decided to and did undertake  
8 to leave the matter solely in TOJO's hands. The result  
9 that followed was not only foreseeable but inevitable.

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G-115. In the new cabinet formed by TOJO there was no place for those who wished to go forward with the conspiracy by negotiation, and thus KONOYE, TOYODA, OIKAWA and HIRANUMA were dropped. TOJO himself held the posts of Premier, War Minister and Home Minister; TOGO became Foreign Minister; SHIMADA, Navy Minister; KAYA, Finance Minister. SUZUKI, who had played his role well in overthrowing the KONOYE Cabinet, retained his old offices, and HOSHINO was brought back into a position of importance and responsibility as Chief Secretary of the cabinet. This cabinet under TOJO's leadership proceeded to carry out the policy of September 6.<sup>a</sup> While Japan became more insistent in urging a quick decision on her proposals she showed no willingness to effect any fundamental modification of her position and no desire to apply practically the basic principles needed for lasting peace.<sup>b</sup>

G-116. Immediately a series of Liaison Conferences were held to determine Japan's ultimate policy in the matter, and the related problems of military materials, especially synthetic oil and liquid fuel.<sup>a</sup> These conferences were held daily from

G-115.

a. Ex. 1158, T. 10308-9.  
b. T. 10810.

G-116.

a. Ex. 1162, T. 10314;  
Ex. 1163, T. 10316.

October 23 to November 2 and toward the end lasted  
1 from 9 a.m. until long after midnight. These meetings  
2 were attended by TOJO, SHIMADA, TOGO, KAYA, SUZUKI,  
3 MUTO, OKA, HOSHINO and the Chiefs of Staff.<sup>b</sup> At the  
4 same time, active preparations for war continued.  
5 By November 1, 1941, the final text of Combined Fleet  
6 Secret Operational Order No. 1, containing the sched-  
7 ules and plans for the attack on Pearl Harbor and the  
8 British and Dutch possessions, had been agreed upon  
9 and was being printed.<sup>c</sup> On November 3, the date for  
10 the attack on Pearl Harbor was set by Admiral NAGANO.  
11 On November 4, the cabinet adopted a policy of sup-  
12 pression of reports on the tenseness of diplomatic  
13 negotiations and of news and speeches which would dis-  
14 close to the enemy Japan's war preparations.<sup>d</sup>

16 G-117. Shortly after the TOJO Cabinet took  
17 office, TOGO notified NOMURA of the formation of the  
18 new cabinet, which he stated agreed with its predeces-  
19 sor in its intense desire to adjust relations on a  
20 fair basis. Japan, he stated, was maintaining a firm  
21 attitude and was waiting for United States reconsider-  
22 ation. He directed NOMURA to suggest that they could  
23 not spend too much time in negotiations, and to  
24

25 G-116.

b. T. 26145-50.

c. Ex. 809, T. 10315.

d. Ex. 1167, T. 10330-1.



1 emphasize the needs of a United States counter-  
2 proposal to Japan's offer of September 25.<sup>a</sup> On  
3 October 22, on receipt of these instructions,  
4 NOMURA, feeling that the President and Hull realized  
5 that he had no influence in Tokyo and not desiring to  
6 be involved in a hypocritical situation deceiving  
7 himself and others, asked of TOGO to be relieved of  
8 his position.<sup>b</sup> This request was not granted, and  
9 NOMURA remained as Ambassador to the United States  
10 to the end. On November 2, NOMURA was advised by  
11 TOGO that the fundamental policy for improving rela-  
12 tions with the United States was being worked out in  
13 Liaison Conferences, and final decision would be  
14 reached at the Imperial Conference on November 5.  
15 Interim matters were to be trusted to NOMURA's pru-  
16 dence.<sup>c</sup> On November 4, TOGO advised NOMURA that the  
17 Liaison Conference would submit for sanction on the  
18 next day to the Imperial Conference its unanimous  
19 conclusion to gamble for the last time on the contin-  
20 uance of the parleys. He stressed that this was Japan's  
21 last offer to settle and it must be speedily accepted.  
22 If anything went wrong, NOMURA was to follow  
23

24 G-117.

- 25     a. Ex. 2917, T. 25920-1.  
       b. Ex. 1161, T. 10312-3.  
       c. Ex. 1163, T. 10316.

instructions to the letter, there being no room for  
 1 interpretation.<sup>d.</sup> On the same day, TOGO sent to  
 2 NOMURA the final offers which were to be submitted  
 3 after approval by the Liaison Conference. This pro-  
 4 posal was exceedingly and purposely vague on the  
 5 question of evacuation of troops from China and  
 6 French Indo-China.<sup>e.</sup> Because of the gravity of the  
 7 situation, allegedly because of NOMURA's request for  
 8 aid which had been ignored for three months, on the  
 9 same day it was decided to send Ambassador KURUSU to  
 10 aid NOMURA. The latter was advised that KURUSU  
 11 carried no new instructions and was ordered to arrange  
 12 an immediate meeting for KURUSU with the President.<sup>f.</sup>

14 G-118. On November 5, as scheduled, the  
 15 Imperial Conference took place. There were present  
 16 TOJO, TOGO, SHIMADA, KAYA, SUZUKI, SUGIYAMA, NAGANO,  
 17 HOSHINO, MUTO, OKA, TSUKADA, ITO and HARA.<sup>a.</sup> The  
 18 council decided to continue the negotiations along  
 19 the lines of the proposal already sent to NOMURA,  
 20 fixing a deadline for the completion of the parleys  
 21 for November 25 and, in the event of their failure,  
 22 to go to war.<sup>b.</sup> NOMURA was immediately advised on

24 G-117.

d. Ex. 1164, T. 10318-22.  
 e. Ex. 1165, T. 10324-8.  
 f. Ex. 1166, T. 10329.

G-118.

a. Ex. 1107, T. 10332.  
 b. Ex. 1169, T. 10333-40

1 the same day that the proposal had been approved  
2 and that he should proceed with negotiations. While  
3 arrangements for signing any agreement had to be  
4 completed by November 25, he was to avoid giving  
5 any impression that there was a time limit or that  
6 the proposal was an ultimatum.<sup>c.</sup>

7 G-119. On November 10, 1941, NOMURA pre-  
8 sented to Roosevelt Proposal "A", as approved by the  
9 Liaison and Imperial Conferences.<sup>a.</sup> In this proposal  
10 Japan stated she was prepared to carry out the prin-  
11 ciple of nondiscrimination in trade in the entire  
12 Pacific, provided the principle was applied uniformly  
13 to the rest of the world. With respect to the  
14 European war, no change was made in the earlier  
15 Japanese proposal that Japan would decide independent-  
16 ly the matter of interpreting the Tripartite Pact and  
17 the actions she was to take to fulfill her obligations.  
18 It stated that present circumstances did not permit  
19 Japan to go further in writing, but if the United  
20 States gave an assurance not to place too liberal an  
21 interpretation on the term "protection and self-  
22 defense" which might lead to an abuse of the recognized

23 G-118.

24 c. Ex. 1170, T. 10343-5; Ex. 1171, T. 10346.

25 G-119.

a. Ex. 2927, T. 25974.



right, Japan was willing to give a similar assurance.

1 With respect to the withdrawal of troops from China,  
2 Japan proposed to keep forces in specified areas of  
3 North China, Mongolia and Hainan Island for a certain  
4 duration after peace, and to begin withdrawal of the  
5 rest as soon as peace was restored with China, com-  
6 plete withdrawal to be completed within two years.

7 With respect to French Indo-China, Japan proposed  
8 that she would respect the territorial sovereignty  
9 of Indo-China and that she would withdraw her forces  
10 from that area when the China Affair was settled or  
11 equitable peace was established in East Asia.<sup>b</sup> In  
12 the instructions received by NOMURA with respect to  
13 this proposal, he had been instructed that in rela-  
14 tion to the matter of stationing troops in specified  
15 areas of China, he was to abide by the abstract term  
16 "necessary duration" and try to impress the United  
17 States that the troops were not to be stationed per-  
18 manently and indefinitely. However, if inquiry was  
19 made, he was to reply that the approximate goal was  
20 twenty-five years.<sup>c</sup>

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24 G-119.

b. Ex. 2927, T. 25974-80.

25 c. Ex. 1165, T. 10324-8;  
Ex. 2925, T. 27766-7A.

1 G-120. It is contended by the accused that  
2 these proposals made important and real concessions  
3 to the United States. It is submitted that a careful  
4 examination of the proposals discloses that Japan had  
5 not moved in the slightest from her original position.  
6 While she agreed in principle to accept the principle  
7 of non-discrimination in trade for the Pacific, she  
8 insisted upon the proviso that the principle be  
9 applied uniformly to the rest of the world. However,  
10 without this proviso, which was at the time well  
11 known to be impossible of fulfillment, she was un-  
12 willing to apply it to China, where she was bound by  
13 treaty to follow that principle. There was likewise  
14 no change in the interpretation of Japan's obligation  
15 under the Tripartite Pact. The proposal for mutual  
16 assurances not to give too liberal an interpretation  
17 to the right of self-defense was nothing less than an  
18 indirect demand that the United States stop its aid  
19 to Britain. The statement that too liberal an inter-  
20 pretation might lead to an abuse of the recognized  
21 right undoubtedly must have sounded strange to  
22 Secretary Hull when advanced by Japan, who had  
23 cloaked her whole program of aggression behind her  
24 own interpretation of the right of self-defense. With  
25 respect to the withdrawal of troops, Japan merely

1 proposed to withdraw her troops, except in certain  
2 areas, only within two years after peace was estab-  
3 lished. Certainly, this cannot be deemed a concession.  
4 Japan had no right to have those troops stationed in  
5 China in the first instance. Moreover, she was to  
6 be permitted to keep troops for an indefinite period  
7 in the three areas most strategic from the point of  
8 view of Japan's plan for control of China. The  
9 acceptance of this proposal would have meant giving  
10 Japan what she desired in China, namely, the ability  
11 to control China militarily with a minimum number of  
12 troops strategically situated so as to be able to  
13 enforce her aggressive demands on China. The period  
14 of twenty-five years which Japan had set as its goal  
15 indicated the permanent nature of Japan's plans for  
16 China. The proposal to respect the territorial  
17 integrity of Indo-China and to withdraw troops from  
18 Indo-China upon certain conditions involved no con-  
19 cession, because Japan was already committed to France  
20 under their agreement to this proposal.

21 G-120A. The conspirators had so little  
22 confidence that the KURUSU-NOMURA negotiations would  
23 achieve their purposes that they went ahead actively  
24 preparing for war in the minutest detail. Immediately  
25 after the decision of November 5 had been made, the



1 navy prepared to strike. On November 5, the day of  
2 the Imperial Conference, Admiral NAGANO issued an  
3 order to Admiral YAMAMOTO that general operational  
4 preparations for war against Britain, the United  
5 States and the Netherlands would be completed by  
6 December 1, and YAMAMOTO fixed November 23 as "Y"  
7 day. On November 7, Admiral YAMAMOTO ordered a  
8 task force to assemble in Hitokappu-wan and to remain  
9 there for supplies until November 22 in secrecy. On  
10 November 10, Combined Fleet Secret Operation Order  
11 No. 3 fixed December 8 as "X" Day, and striking Force  
12 Operation Order No. 1 directed that all ships complete  
13 battle preparations by November 20 and rendezvous in  
14 the Kuriles, maintaining strict security so the crews  
15 would remain in ignorance until they cleared Japan.<sup>a.</sup>

16 G-121. While the navy was working out its  
17 plan for attack, the conspirators were holding a  
18 series of Liaison Conferences and by November 15  
19 had worked out the details of the plan to be used  
20 when the negotiations failed. It was decided that  
21 as soon as war was inevitable Japan would at once  
22 inform Germany of her intentions and negotiate for  
23 German and Italian participation and a no-separate-  
24  
25 G-120A.

a. Ex. 809, T. 10347-50.

1 peace pact, but Japan would refuse to participate in  
2 the German-Soviet war for the present, even if it  
3 meant postponement of Germany's entry into the war  
4 with the United States. They would request from  
5 Thailand the right to send in troops, but even without  
6 consent the troops would be sent. However, they must  
7 try to avoid hostilities, and prior to negotiations  
8 they must hide the intention of going to war with  
9 Thailand. To get the best concessions they would  
10 promise to respect Thailand's sovereignty and might  
11 give her a part of Burma or Malaya. In China, after  
12 the war broke out, they would clear out the Americans  
13 and British forces and take over the concessions and  
14 the important rights and interests of hostile countries.  
15 They would not formally declare a state of belligerency  
16 with China but pressure would be increased. The  
17 Philippines, Burma and a portion of the Netherlands  
18 East Indies would be made independent after occupation,  
19 the remainder being kept by Japan. Thailand's lost  
20 territories would be restored, and French Indo-China  
21 would remain in statu quo.<sup>a.</sup>

22 G-122. While these active war preparations  
23 were going on, pressure was being put on the Ambassadors  
24

25 G-121.

a. Ex. 1169, T. 10333-40; Ex. 878, T. 10370-1.

in Washington to complete their assignment. On  
1 November 11, Churchill had stated that if the United  
2 States was involved in war with Japan, a British  
3 declaration would follow within an hour.<sup>a</sup> On the  
4 same day TOGO stated to Ambassador Craigie that  
5 Japan, after working out any agreement with the  
6 United States, would simultaneously seek Britain's  
7 agreement, that Japan had made her final proposal  
8 and that there could be no delay. Craigie thereupon  
9 told TOGO that the United States felt that the nego-  
10 tiations were still in a preliminary stage. Immed-  
11 iately thereafter TOGO reported his conversation to  
12 NOMURA and stressed that this attitude was unfortunate  
13 and he was to do everything to make the United States  
14 realize this and bring about an agreement at the  
15 earliest possible moment.<sup>b</sup> On November 14, NOMURA  
16 replied that he believed he would win out in the  
17 negotiations and would fight to the end. However, the  
18 United States was opposed to Japan's moving north or  
19 south and would not hesitate to fight Japan rather  
20 than yield on her fundamental policy. The two stumbling  
21 blocks to an agreement were China and the Axis Alli-  
22 ance. He pointed out that many nations might  
23  
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25 G-122.

a. Ex. 1173, T. 10353-4.

b. Ex. 1174, T. 10356-60.



1 participate in the war and any war would be long and  
2 victory would go to the one who could hold out to the  
3 end.<sup>c</sup> On November 16, TOGO replied to NOMURA's  
4 implied invitation to give him more time to work  
5 things out by agreeing with his warning, but pointing  
6 out that in view of Japan's fundamental policy it was  
7 out of the question for Japan to wait to see the turn  
8 of war and be patient. There could be no change in  
9 the deadline fixed for November 25. Since the time  
10 was short, he was to do his best to bring about an  
11 immediate solution.<sup>d</sup>

12 G-123. On November 18, KURUSU, who had  
13 arrived on the 15th, reported to TOGO his conversations  
14 with Roosevelt on the 17th and Hull on the 18th. He  
15 reported that he felt that the President had a keen  
16 desire to conclude the negotiations, and there was no  
17 reason to believe that because the United States did  
18 not wholeheartedly approve Japan's proposal, that it  
19 was a wilfully delaying policy. While it was willing  
20 to fight Japan if compelled to, its interests lay not  
21 in fighting Japan but in finding security for its  
22 rear. The real stumbling block still seemed to be the  
23 Axis agreement. On the 18th, both he and NOMURA  
24 G-122.

c. Ex. 1177, T. 10376-9.

d. Ex. 1178, T. 10381-2.

1 suggested that they return to the condition existing  
2 prior to July 24 and that they show Japan's sincerity  
3 by commencing evacuation of troops from French Indo-  
4 China. Because of the instructed time limit, he asked  
5 for an immediate decision.<sup>a.</sup> On November 19, TOGO sent  
6 further instructions to the Ambassadors authorizing  
7 them to expand the words of the proposal on Japan's  
8 Axis obligations to indicate that Japan would decide  
9 independently whether there had been an attack and was  
10 not bound by the interpretation of other parties to  
11 the Tripartite Pact. But this was to be done only in  
12 the event prospects of an agreement materialized.<sup>b.</sup>

13 G-124. After TOGO had reported that there  
14 was no prospect for the acceptance of Plan A approved  
15 by the Liaison Conference, NOMURA was authorized to  
16 present Plan B. Accordingly, on November 20, KURUSU  
17 and NOMURA presented what the latter regarded as an  
18 extreme proposal to Hull. It proposed that both Japan  
19 and the United States agree not to make any armed  
20 advance into Southeast Asia or the South Pacific except  
21 into that part of French Indo-China where Japanese  
22 troops were stationed. Japan would undertake to with-  
23 draw her troops in Indo-China on the establishment of  
24 G-123.

a. Ex. 1179, T. 10383-6.

b. Ex. 1180, T. 10387-8.

1 peace with China or of an equitable peace in the  
2 Pacific. Japan would declare that she was ready to  
3 move her troops from South Indo-China to the northern  
4 part on the conclusion of the agreement. Both would  
5 cooperate economically in the Netherlands East Indies  
6 and would undertake to restore their commercial rela-  
7 tions. The United States would agree to refrain from  
8 any action prejudicial to restoring peace between  
9 Japan and China. In presenting this proposal both  
10 NOMURA and KURUSU pointed out the urgency of the  
11 situation and intimated that it was Japan's last word  
12 and that unfortunate results might follow if an agree-  
13 ment was not quickly concluded.<sup>a.</sup>

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25 G-124.

a. Ex. 1245H, T. 10811-4.



G-125. Even if it had been made in good  
1 faith, this last proposal from Japan merely required  
2 that the United States condone Japan's aggression  
3 and assent to her future conquests, abandon her most  
4 essential principles of foreign policy, betray China,  
5 become a silent partner with and aid Japan in obtain-  
6 ing domination over the Western Pacific and Eastern  
7 Asia, destroy her own rights in the Pacific and  
8 menace her national security. By keeping her troops  
9 in Indo-China, Japan was a threat to the countries of  
10 the South and a menace to the trade routes. The offer  
11 to withdraw the troops from South Indo-China was mean-  
12 ingless, since they could be moved back and there was  
13 no limit to their number.<sup>a.</sup> However, the proposal was  
14 not made in good faith. This proposal, as well as  
15 proposal "A," were both intended merely as temporary  
16 stop-gaps until Japan had satisfactorily built up her  
17 war potential, particularly her supply of oil. On  
18 November 18, 1941, a plan was formulated which pro-  
19 vided that in the event a treaty was signed with the  
20 United States, on the basis of either proposals "A"  
21 or "B," within three days of the agreement the United  
22 States should abolish her freezing measures and supply  
23 Japan with 6,000,000 tons of oil annually, including  
24  
25 G-125. a. T. 10814-5

1,500,000 tons of aviation gasoline, and should take  
1 measures to have the Netherlands Indies accept within  
2 three days Japan's economic demands, including for the  
3 time being, 4,000,000 tons of oil annually. If these  
4 requirements and Japan's other demands were not met  
5 within one week after the signing of the treaty, then  
6 Japan would open hostilities against the United States,  
7 Britain and the Netherlands. Japan would make her  
8 intentions known to the United States when the treaty  
9 was signed.<sup>b.</sup> Although the document bears the name  
10 of the accused MUTO, defense witness YAMAMOTO testi-  
11 fied that this was the plan of the General Staff and  
12 that MUTO was opposed to it.<sup>c.</sup> However, the document  
13 does bear MUTO's name and there is nothing on the  
14 document to show that it emanated solely from the  
15 General Staff. YAMAMOTO further tried to leave the  
16 impression that the plan was not considered by the  
17 Liaison Conference. However, the accused TOGO made  
18 it clear in his affidavit that such a proposal was  
19 submitted but that the requirements were reduced sub-  
20 stantially at his insistence.<sup>d.</sup> On November 26, 1941,  
21 TOGO instructed NOMURA that if an agreement was reached  
22 he was to convey Japan's desire for a minimum annual  
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25 G-125. b. Ex. 3445, T. 33037-42  
c. T. 33043-6  
d. Ex. 3646, T. 35703

import of 4,000,000 tons of oil from the United States<sup>e.</sup>  
and 2,000,000 tons from the Netherlands Indies.

G-126. In the meantime, November 25 was drawing close and something had to be done. On the 22nd, TOGO was able to advise NOMURA and KURUSU that if they could finish their conversations and the agreement be signed, and if an understanding from Britain and the Netherlands through an exchange of notes could be obtained by the 29th, then Japan would arrange to wait until that date. This new deadline could not be changed, and after that things would automatically happen.<sup>a.</sup>

G-127. On the 22nd, Hull conferred with the British, Australian and Netherlands Ambassadors on the proposals. The latter promised to get their governments' instructions and report on the 24th. On the 22nd, Hull reported this information to KURUSU and NOMURA and promised his reply when he had heard from his colleagues. He pointed out, however, that Japan's offer was not sufficient to dissolve the situation in the Pacific so as to allow the United States and others to move their troops elsewhere. The United States could not accept the term of stopping aid to

G-125.

e. Ex. 2944, T. 26041-2

G-126.

a. Ex. 1183, T. 10400



China, and the time was not yet right for mediation  
by Roosevelt.<sup>a.</sup> On November 23, TOGO told Grew that  
it was impossible to withdraw the troops altogether  
from French Indo-China and that the only way to settle  
the China Affair was to have the United States not in-  
terfere with Japan's effort for peace when Roosevelt  
acted as mediator in connection with the China prob-  
lem.<sup>b.</sup> On the 24th, in a telegram to NOMURA, TOGO  
confirmed the deadline of the 29th, Tokyo time,<sup>c.</sup>  
which had been previously fixed in his dispatch of  
November 22 to both KURUSU and NOMURA.<sup>d.</sup>

G-128. On November 26, Hull met with the  
two Japanese Ambassadors. He first reviewed the  
various conversations, and pointed out that Japan's  
proposals of November 20 conflicted with the funda-  
mental principles of the United States. To bridge the  
gap between the American proposal of June 21 and that  
of the Japanese of September 25, he proposed that the  
two nations enter into an agreement whereby they  
would pledge themselves to the principles of the  
treaty system, and in economic relations would adhere  
to the principles of non-discrimination, economic

G-127.

- a. Ex. 1184, T. 10402-5
- b. Ex. 1185, T. 10407-9
- c. Ex. 1186, T. 10410-1
- d. Ex. 1183, T. 10400

1 cooperation, non-discriminatory access by all to raw  
2 materials, full protection to the interests of con-  
3 suming countries, and the establishment of institu-  
4 tions and arranging of international finance to lend  
5 aid to essential enterprises. Both would try to con-  
6 clude a multi-lateral non-aggression pact among China,  
7 Britain, Japan, Holland, the Soviet Union, Thailand,  
8 and the United States, and a pact would be concluded  
9 with all except the Soviet Union to respect the terri-  
10 torial integrity of French Indo-China. No nation  
11 would seek or accept preferential treatment economic-  
12 ally in Indo-China. Japan would withdraw all forces  
13 from China and French Indo-China. Both nations  
14 would support only the Chungking Government in China,  
15 would give up all extraterritorial rights in China,  
16 and would try to get Britain and the others to do  
17 likewise. They would conclude a trade agreement, re-  
18 move freezing restrictions and agree to stabilize their  
19 moneys. Both would agree that no agreement with a  
20 third power was to be interpreted as being in conflict  
21 with the agreement. a.

22 G-128A. Having no other defense for their  
23 conduct, some of the defendants pin their last hope  
24 upon the last-mentioned document for the justification  
25 G-128, a. Ex. 1245I, T. 10815-23

1 in going to war. Some of them assert that they con-  
2 strued it as a final note, an ultimatum setting forth  
3 the demands of the United States which left no al-  
4 ternative but to go to war. The defendant TOJO  
5 has characterized it as the ultimatum of the United  
6 States "thrown into the face" of Japan. It is the  
7 height of either naivete or brazenness to expect us  
8 to believe that this instrument was the determining  
9 factor in Japan's decision to go to war. We cannot  
10 and must not forget the decision of November 5 and  
11 the fact that the day before this instrument was  
12 delivered by Hull to NOMURA and KURUSU, the Japanese  
13 fleet had already moved out toward Hawaii. It is  
14 true that the defendants assert that the fleet could  
15 have been recalled if matters were amicably settled.  
16 However, when we consider the entire story of the  
17 negotiations with the United States we find by  
18 "amicable settlement" Japan meant complete submission  
19 of the United States to Japan's demands. Moreover,  
20 it is impossible to ascertain in what respect this  
21 document is an ultimatum. The accused themselves and  
22 their witnesses, when asked to point out what in the  
23 document partook of the nature of an ultimatum, were  
24 either unable to do so or else went off into the  
25 rarefied realm of Japanese metaphysics. The instru-



1 ment itself shows clearly that it was not an ultimatum.  
2 It contained not a single proposal, except for the  
3 multi-lateral treaties, which had not been repeatedly  
4 made before. It did not ask Japan to do anything  
5 which she was not already committed to do. If by  
6 their characterization of the instrument as a final  
7 note the accused mean that they became at last fin-  
8 ally convinced that the United States was not going  
9 to assist in establishing Japan's new order, would  
10 not provide Japan with materials to further her pro-  
11 gram of aggression, would not repudiate her prin-  
12 ciples and would not become a silent partner in  
13 Japan's crimes, then the prosecution has no great  
14 objection to their calling the document whatever they  
15 may desire.

16 G-129. Even before this proposal was re-  
17 ceived, realizing that such a proposal would be total-  
18 ly unacceptable in Japan and would lead to a rupture  
19 in relations, KURUSU and NOMURA on the 26th had pro-  
20 posed to TOGO that they be allowed, in order to save  
21 the situation, to propose to Roosevelt that he wire  
22 Japan that he hoped that Japan and the United States  
23 would cooperate to maintain peace. This would be  
24 followed by a cordial reply from Japan. They went on  
25 to point out the wisdom of such a step by stating

1 their doubts of aid for Japan from Germany and that  
2 in the event of war the China Incident would have to  
3 wait for the end of the war for settlement.<sup>a.</sup> This  
4 plan was rejected by TOGO on the 28th as improper.<sup>b.</sup>  
5 The conspirators, to hide their real purposes while  
6 making last minute preparations for war, decided, how-  
7 ever, to keep on estensively with the negotiations.  
8 In a telephone conversation with the Foreign Office  
9 the following day, KURUSU was told not to break off  
10 negotiations.<sup>c.</sup> On the 28th, TOGO wired NOMURA what  
11 he termed his complete surprise at the United States  
12 proposal and advised him that with the submission of  
13 Japan's answer in a few days the negotiations would  
14 be dropped. However, they were not to give the im-  
15 pression that the negotiations were to be broken off,  
16 but were to say that they were waiting instructions  
17 and that their government presumably felt that the  
18 United States had been uncooperative and had made the  
19 solution difficult.<sup>d.</sup> The following day they were  
20 instructed by TOGO to make one more attempt verbally  
21 to find out the reason why the United States had  
22 departed from its usual fair and judicial position

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- 24 a. Ex. 1189, T. 10418-20  
25 b. Ex. 1193, T. 10442-3  
c. Ex. 1191, T. 10435-6  
d. Ex. 1193, T. 10442-3

1 and the reason for the change of front on the China  
2 problem, but were warned to be careful that this did  
3 not lead to anything like breaking off negotiations.<sup>e.</sup>  
4 Again on the 30th, in a telephone conversation with  
5 the Foreign Office, KURUSU, after having pointed out  
6 that the blatant statements of TOJO, TOGO and others  
7 were making his position difficult, was told to con-  
8 tinue the negotiations.<sup>f.</sup>

9 THE PRESIDENT: We will adjourn until nine-  
10 thirty tomorrow morning.

11 (Whereupon, at 1600, an adjourn-  
12 ment was taken until Tuesday, 17 February,  
13 1948 at 0930.)

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25 e. Ex. 1194, T. 10444-5; Ex. 1195, T. 10450-1  
f. Ex. 1200, T. 10475-3